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BOMBAY BRANCH
OF THE
ROYAL ASIATIC SOCIETY.
TOWN HALL, BOMBAY.

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WITH YOU, RIGHT THROUGH

on 27 November, 2018

| Year | No. | When Passed | Prominent Subjects | Subjects |
|---|---|---|---|---|
| 1810 | 1st | 1810 [illegible] | Town Duty | For the re-establised of a Town duty |
| " | 2d | Sept. 30th Folio 5[illegible] 1811 | For the Port of Bombay | For the Port of Bombay |
| 1811 | 1st | Septr. 24th Folio 579 | Bancoote Resident vested with Magisterial powers | Vesting the Resident at Fort Victoria with powers to hear and determine Civil Suits to a certain extent and with Magisterial authority for the apprehension and trial of person charged with Crimes or misdeavanors |
| " | 2d | Oct. 22d Folio 583 | Caranjah Collector vested with Magisterial powers | For vesting the Assistant to the Collector of Caranjah with Magisterial powers and with authority to settle pecuniary differences to a certain extent passed by the Honble the Governor in Council on the 22d Octr 1811 |
| 1812 | 2nd | 1812 Oct. 16th Folio 587 | Arrack &c. Control [illegible] | Rule for Ordinance and Regulation for vesting a control in the Sale of arrack [illegible] other Spirituous Liquors |

| Year | No | When Passed | Prominent Subjects | Subjects |
|---|---|---|---|---|
| 1812 | 5th | [illegible] 1815 | | beyond the limits of the Town of Bombay and on the Island generally in his Majesty [illegible] of the peace |
| " | 3rd | Nov. 4th Folio 505 | Buildings &c to restrain Construction of — in the Fort — | Rule of Ordinance and Regulation to restrain the Construction of all Buildings within the Town Walls likely to endanger the defence of the Garrison to remove and prevent encroachments that may exist or be attempted to be made in the Streets and high roads both within and without the Town Walls and generally throughout the Island of Bombay and to prevent the introduction of Articles of a Combustive Nature within the Garrison |
| 1811 | 1 | [illegible] | Combustible Articles — | |
| 1810 | 5th | [illegible] Folio 6[illegible] | Regulation II for 1808 extended — | For extending certain parts of Regulation II 1808 to the Zillahs of Kaira and Broach. |
| " | 6th | Dec. [illegible] Folio 615 | Court of Appeal defining powers of — 1820 — | For hearing Appeals from decision of the several Zillah Courts defining the powers and duties [illegible] other causes of which [illegible] have cognizance |
| " | 7th | Dec. [illegible] Folio 651 | Sudder Adawlut defining powers of — | For defining the powers and duty of the Sudder Adawlut or Chief Court of Civil Judicature for trying Appeals from the decisions of Provincial Court of Appeal. |
| " | 8th | Dec. [illegible] Folio 68[illegible] | Court of Circuit trial of offenders — | For the provincial Court of Circuit for the trial of persons charged with Crimes or Misdemeanors. |
| " | 9th | Dec. [illegible] Folio 699 | Criminal Cases trial of — | For the Superior tribunal or the Chief Criminal Court of the Governor in Council for the trial of Criminal Cases in the last resort. |
| " | 10th | [illegible] Folio 707 | Differences of Opinion — of Judges of Court Circuit and Appeal — | For providing for differences of opinion between the Judges of the provincial Court of Appeal and Court of Circuit and prescribing rules regarding other matters connected with their official Situation. |
| " | 11th | Dec. [illegible] Folio 711 | Differences of — | For the guidance of the Courts of Justice in case |

| Year | No. | When Passed | Folio | Prominent Subjects | Subject |
|---|---|---|---|---|---|
| 1812 | 1 | | | Opinion of Judges of Court Court and Appeal | of difference of opinion on the meaning and construction of the Regulation |
| 1813 | 1 | [illegible] | [illegible] | Infant relation and aliens | Rule of Ordinance and Regulation for compelling those who are able to support their Infant Relations for subjecting the numerous aliens who pass over to the Island of Bombay from the Mahratta Territories to certain restrictions. |
| | 2 | [illegible] | [illegible] | Pariah Dogs | Rule Ordinance and Regulation to diminish the number of Pariah Dogs having no Owners on the Island of Bombay, and to authorize the Erection of Public Pounds for animals straying or trespassing on the Public Streets or Roads of the Island or on the grounds of the Inhabitants thereof. |
| | | | | Pounds for Stray Cattle | |
| | [illegible] | [illegible] | [illegible] | Slaves | For preventing the importation of Slaves from foreign Countries and the sale of such Slaves in the Territories [illegible] the Presidency of Bombay. |
| | 2 | July 25 | 931 | Appeal to the King and Privy Council | For repealing Regulation IV 1812 authorizing Appeals from the Court of Sudder Adawlut to his most Excellent Majesty and his most Honorable Privy Council and for repealing so much of Regulation VI 1812 as relates also to appeals from the decision of the same Court. |
| | 3 | [illegible] | 933 | Water Courses Wells &c. | Prescribing rules for the repair of Water Courses, Wells and other works constructed for the improvement of the Cultivation of the Lands and kept in repair at the public Expence and for affording encouragement to individuals to construct such Works. |
| | 4 | [illegible] | 939 | Class of People Liable to be tried for [illegible] Territories | For defining more particularly the different Classes of People who are liable to be tried by the Courts of criminal Judicature |

| Year | No | When Passed Sold | Prominent Subjects | Subjects |
|---|---|---|---|---|
| 1813 | [illegible] | | | Established in the British possession for offering Committed in foreign territories |
| " | 5 | Sept 6th 1741 | Native Princes | To enable the Governor in Council to institute or defend through the medium of the public officers of Government Actions in which Native Princes whom it would be improper to require to appear as Plaintiffs or defendants in the Courts of Judicature may be parties. |
| " | 6 | Sept 6th 1745 | Emigrants | To empower the Governor in Council to order the removal of Emigrants from foreign Countries and their descendants from any place in the vicinity of the frontier of the State from which they may have emigrated and in certain cases to place and detain any such persons in safe custody and likewise to provide for the trial of Emigrants and their descendants who may excite disturbances in Countries from which they may be emigrated and of persons aiding them in the prosecution of such attempts. |
| " | 7 | Sept 6th 1745 | Judgements passed to execute | For authorising the Judges of the Fellah under the presidency of Bombay or the Magistrates of Bancoote and Caranjah to execute Judgments passed by the Court of Requests for the Town of Bombay. |
| " | 8 | Sept 6th 1745 | Public Money - Native officers not to engage in Trade or receive Nuzzers<br>Camaviodars - prescribing agency of<br>Native Officers not to engage in Trade or receive Nuzzers | For preventing Native officers from making use of public Money entrusted to their care prescribing the agency of Camaviodars for prohibiting Native Officers employed in the Revenue Department for being engaged in Trade and from receiving any Nuzzers or presents. |
| 1813 | 9 | Sept 6th 1745 | Judges - power of Single | For defining the duties to be performed and powers exercised by single Judges of the Provincial Court of Appeal in the absence of the other Judges of the Court. |

| year | No. | when Passed | Sole | Prominent Subjects | Subjects |
|---|---|---|---|---|---|
| 1813 | 10th | [illegible] | | Trade of foreign Nations | For the conduct of the Trade of Foreign Nations with the ports and Settlements of the British Nation in the East Indies and for defining the duties to which such trade shall be subject at such of the said ports and Settlements as are immediately dependent on the presidency of Bombay and for prohibiting the export of Woolens from Bombay and its dependencies to China defining the duties to be levied on Provisions imported on Account of His Magesty's Navy and directing the levy of a duty on the Export of Bullion to Europe or America |
| " | 8th | [illegible] | | | |
| " | 11th | [illegible] | | Company's Covenanted Civil Servants lending money | For prohibiting Covenanted Civil Servants of the Company employed in the Administration of Justice or the Collection of the public Revenue in the British Territories under the Presidency of Bombay from lending money to Zemindars independent Talookdars or Dependent Talookdars or other Land holders or farmers of Land holding Farms immediately of Government or the under farmers or Rights of the several description of Land holders and farmers of Land abolumentioned or other respective Sureties and for prohibiting Europeans of any description holding possession of Lands that may be mortgaged to them or purchasing or renting Lands in the provinces under this Presidency for erecting houses or buildings for carrying on Manufactures or other purposes without the Sanction of the Governor in Council |
| " | 2 | [illegible] | | Europeans prohibited purchasing Lands building houses | |
| " | 1 | [illegible] | | | |
| 1814 | 1st | [illegible] | | Disputes between Masters and Mistresses Servants | Rule Ordinance and Regulation for Vesting any two of His Magesty's Justices of the Peace with power to decide on all disputes arising between Masters and Mistresses and any of their house-hold Servants, Hamauls or Palanquan bearers and for empowering either of the Magistrates |

| year | No | when Passed | Folio | Prominent Subjects | Subjects |
|---|---|---|---|---|---|
| 1819 | | | | | of Police to decide summarily on Acts of Miscarriage and ill behaviour requiring moderate & though immediate Correction |
| 1818 | [illegible] | | | Civil Servants leave absence | In respect to Civil Servants obtaining leave of absence from their Stations on account of their health or their private affairs |
| " | 1st | Jany 12th | 1795 | Interest or Money | For determining the rate of Interest on money in the provinces Subject to the Presidency of Bombay |
| " | 2d | Jany 12th | 1783 | Tellaties | For Establishing the office of Tellaties or Village Accountants and defining the duties of the said office in the British Territories under the Presidency of Bombay |
| " | 3d | [illegible] | 801 | Lands exempt from payment of Revenue under [illegible] | For trying the Validity of the titles of persons holding or claiming to hold lands exempted from the payment of Revenue under grants not being Badshahee or Royal Grants to amend and explain the existing limitation of time for the Cognizance of Suits in the Civil Courts and for determining the amount of the Annual Assessment to be imposed on the lands so held which may be adjudged to be or may become liable to the payment of public Revenue in the British territories Subject to the Presidency of Bombay |
| " | 4th | March 23d | 818 | Public Money and Papers | For preventing the embezzlement of Public money and the withholding of public papers by the Native Officers of Government in the British Territories subject to the Presidency of Bombay |
| " | 5th | Sept 25th | 819 | Poisonous Drugs &c | For prohibiting the vend of certain Drugs and Substances except under Licencies to be granted by the Collectors |
| [illegible] | 6th | May 24th | 823 | Confiscated Goods | For authorising the confiscation and Sale of Goods, Wares, or Merchandizes which may be forfeited |

Abdeshed 23 Oct 1820

Tests limitation of time for [illegible] of

Annual Assessment amount of imposed

| year | No | when Passed | Sole | Promenent Subjects | Subjects |
|---|---|---|---|---|---|
| 1841 | [illegible] | [illegible] | 833 | | by a breach of the Regulations of the Government and for rendering Goods illicitly Shipped at Madras or Calcutta or at any Port within the Jurisdiction of those Presidencies respectively liable to Seizure and Confiscation if imported into Bombay or any of the Ports Subordinate thereto |
| " | 2 | [illegible] | 811 | | |
| " | 7th | Augt 17th | 827 | Facilitating progress of Troops | For facilitating the progress of detachments of Troops for affording any requisite assistance to persons travelling through the territories and for the guidance of the Civil Officers in applying for Military Guards |
| " | 8th | Septr 9th | 841 | Salt Petre | For removing the existing restrictions to the Export of Salt Petre |
| | 9th | Septr 9th | 859 | Punishment | Punishment to which Persons convicted of two or more Offences shall in certain cases be Subject |
| " | 10 | Sept 21st | 843 | Native Records Office of | For establishing an Office for keeping the Records in the Native Languages which relate to the Public Revenue |
| " | 11th | Novr 2d | 855 | Malwan Resid. vested with Magisterial Powers | A Regulation vesting the Resident at Sinder Droog or Malwan with Powers to hear and determine Civil Suits to a certain extent; and with Magisterial Authority for the apprehension and trial of persons charged with Crimes or Misdemeanors. and for extending the jurisdiction of the Court established for Salsette Caranja &c to Sinder Droog or Malwan and its dependencies |
| | | | | Salsette Court extended to Malwan | |

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# A. D. 1810. REGULATION I.

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*A REGULATION for the re-eſtabliſhment of a Town duty paſsed by the Governor in Council on the 1ſt of May* 1810, *correſponding with the* 13*th Chyter Vud, Sumbut or Vekramajet Era* 1866, *Salbahan* 1732 *and* 26*th Ruby ul avul* 1225 *Hejry.*

IN purſuance of inſtructions from the Hon'ble the Court of Directors, the collections under the head of Town-duties, that had ceaſed from the end of April 1805, are from this date renewed, under ſuch modifications as have appeared to the Governor in Council, to be beſt adapted to the circumſtances of the commerce of this Preſideney.

II. The ſeveral proviſions in Regulation I. 1803, are, for this purpoſe, declared to be again in force, from the 1ſt of May 1810; with the undermentioned exceptions and alterations.

III. *First*; Inſtead of the articles on which the rate of four per Cent Town-duty, is directed by Section VI. Regulation I. 1803, to be levied, the following are thoſe, now ſubject to it.

*Second.*—1ſt; Goods imported from the other Preſidencies, and their dependencies, under Certificates of exemption from cuſtoms, at Bombay, excepting thoſe articles of a like deſcription (ſuch as Ghee Oil &c. &c.) as are not liable to Town-duty, when imported from other places, unaccompanied by exempting Certificates.

*Third,*

*Third.*—2d; Oil (except that in uſe for culinary purpoſes.)

Shawls,

Wax Candles,

Sugar,

Piece Goods,

China Silks,

Nankeens,

Roſe Water,

Sandal Wood,

Salt Petre,

Black Pepper,

Cardamums,

Mace,

Cloves,

Nutmegs,

Cinnamon,

Caſſia,

*Fourth.*—3d; The articles of Bhoyſing, of Cocum, and of Tamarind, which have hitherto been aſſeſſed to the Cuſtom Houſe-duties, to be exempted therefrom, and transferred to the Town duty; the amount of which, is however to continue payable on importation; ſubject, of courſe, to drawback, in the event of re-exportation within the period of Six months.

*Fifth.*—4th; The following additional articles to be aſſeſſed, both to the Cuſtoms and to the Town duty:—Pearls, and precious ſtones, hitherto omitted to be charged with either; and Jewellery, which has heretofore paid only the rate of Cuſtoms.

IV. *First*; The privilege conceded by clauſe ſecond, Section VI. Regulation I. 1803, of warehouſing the articles therein mentioned, is to be extended to the Goods ſpecified in clauſe ſecond, Section III, as now enacted.

*Second.*

*Second.* It is to be left optional with the owners, or conſignees of the Goods, comprehended in clauſes firſt, ſecond and third, of Section III. of the preſent Regulation; either to warehouſe them, under the proviſions of Regulation I. 1803, or to retain them in their own cuſtody; on entering into an engagement, accompanied with adequate ſecurity, to exhibit before the Cuſtom Maſter a ſtatement, verified upon oath, at the end of the firſt ſix months, of the quantity of ſuch Goods, which has been intermediately re-exported, and of that which, from having been appropriated to conſumption within the Iſland, is to become ſubject to the payment of the Town duty, on which latter quantity, the amount is thereon to be paid in, which proceſs of periodical adjuſtment, is to continue thereafter, in quarterly progreſſion, from one four months to another; until the whole of ſuch Goods ſhall have been thus accounted for in re-export, or by conſumption as aforeſaid.

V. The proviſions of Section XV and XVI Regulation I. 1803, reſpecting the Town duty on Liquors, remain in full force.

VI. All the proviſions in Regulation I. 1803, not affected by the preſent Regulation, are alſo to continue in full force.

# A. D. 1810. REGULATION II.

## A REGULATION, *for the Port of* BOMBAY, *paſsed by the Governor in Council on the* 30*th of September* 1810; *correſponding with the* 2*d Aſvin ſood Sumbut, or Vikramajet Era* 1866; *Salvahan* 1732; *and the* 30*th of Shaban* 1223 *Hegree.*

Preamble.

THE variety of orders and proviſions that have been made for the regulation of the Port of Bombay, ſince the firſt eſtabliſhment of a Marine and of a Dock Yard at this Preſidency, having been recently reviſed and collated for the fuller information and guidance of His Majeſty's, and the Hon'ble Company's Officers, and of the general Mercantile Intereſts of this Settlement, and of the Maſters of all Ships and Veſſels frequenting this Port; the whole have been enacted into a Regulation as follows.

*General Rules and Regulations neceſſary to be obſerved by thoſe who reſort to this Port.*

The Maſter of every Merchant ſhip to wait upon the Superintendent

II. *First*, After the arrival of every Merchant Ship, in this Harbour, the Maſter is immediately, upon his landing, to wait upon the Superintendent of the Marine with his Log Book.

Ship's Gunpowder to be landed.

*Second*, If a ſhip, having gun-powder on board, be anchored above the middle ground, the Maſter is immediately to apply to the Commiſſary of ſtores, at the Arſenal, to receive it into his charge, till the Ship's departure from the Port.

Gunpowder not to be received on board above the middle ground.

*Third*, It is poſitively forbidden that any ſhip receive her gun powder on board, above the middle ground, without the authority of Government.

*Fourth*,

Ballaſt not to be thrown over board in the Harbour.

*Fourth,* Ballaſt, of any deſcription, is not to be thrown overboard in this Harbour, under pain of the Maſter, or Mate, of the ſhip, who ſhall ſo diſpoſe of the ballaſt, being deprived of his licence and ſent to Europe. A reward of ten Rupees to be paid to Informers who ſhall be able to ſubſtantiate any breach of this prohibition.

No European to be entered without the permiſſion of the Superintendent of the Marine, or the Town Major.

*Fifth,* No European, not belonging to the Crew when the ſhip imported, is to be entertained on board, without permiſſion, in writing, from the Superintendent of the Marine if he be a Seaman, or the Town Major if he be a Soldier.

No ſquare rigged Veſſel to enter or leave the port, without a Pilot.

*Sixth,* No ſquare rigged veſſel, above 50 Tons burthen, is to enter or leave this Harbour without a Pilot,—with the exception of Coaſting Veſſels, Northward and Southward.

If any ſhip loſe an anchor, notice to be immediately given to the Maſter Attendant.

*Seventh,* Should any Veſſel loſe an anchor, in this Harbour, notice is to be immediately given to the Maſter Attendant, with the bearings of the anchor.

Ships not to have their Jib Booms, or Sprit ſail yards, out till they are ready for Sea.

*Eight,* Ships are not to have their Jib-Booms, Spanker Booms, or Sprit Sail Yards, out, till they are ready for Sea, and the Pilot goes on board.

No ſhip to be moved without the knowledge of the Maſter Attendant.

*Ninth,* No Ship is to be moved, nor an anchor lifted, without the knowledge of the Maſter Attendant.

Encouragement afforded to clear the harbour of Anchors &c. which have been loſt.

*Tenth,* It being an object of great public conſideration to clear this Harbour, as much as poſſible, of the Anchors, &c. which have been loſt in it, in the courſe of years, to the obſtruction and ſometimes, to the danger of the ſhipping frequenting the Port; as an encouragement to the zeal and activity that may be volunteered and employed on ſo material a ſervice, whoever ſucceeds in recovering any anchors, grapnails, or other articles, which may have been loſt, is to receive the cuſtomary ſalvage as his reward.

## INSPECTOR OF THE PORT.

III. *First,* On the 19th of Auguſt 1799, a Regulation was paſſed for preventing Foreigners of every deſcription from landing at the Preſidency and its dependencies without permiſſion from Government; the rules comprehended in Regulation II 1799, are here republiſhed as follow.

*Second,*

*Second*, No foreign Veſſel is to be brought above the ground, till the Inſpector ſhall arrive on board; nor any perſon whatever permitted to diſembark from any foreign veſſel until ſuch veſſel ſhall have been inſpected by the proper Officer, and regular permiſſion, in conſequence, obtained.

Every foreign Veſſel to anchor below the ground, till the Inſpector ſhall arrive on board and to be inſpected previouſly to any perſon being permitted to diſembark.

*Third*, For this purpoſe, official notice (according to the annexed Form) under the ſignature of the Secretary to the Government is to be diſpatched to all Foreign Veſſels, on their approach to this Harbour, informing their Commanders of the foregoing reſolution, and requiring them to prepare liſts of their paſſengers, and Ship's Companies for delivery to the Inſpecting officer; which liſts ſhall, if required, be authenticated by the affidavit of the Commander and Senior Officer of each veſſel reſpectively.

Official notice under the ſignature of the Secretary to the Government to be diſpatched to all Foreign Veſſels.

## FORM.

SIR,

1*st*, You are hereby informed of the Reſolution of the Governor in Council that no perſon will be permitted to land from your veſſel until ſhe ſhall have been duly inſpected by an Officer appointed for this purpoſe; you are, therefore, to prepare a Muſter Roll of your Ship's Company, and of the paſſengers on board, which Roll, under the ſignature of yourſelf and of your Chief Officer, ſhall be delivered to the Inſpecting Officer, and ſhall, if required, be atteſted on oath before a Magiſtrate.

Foreign Veſſels to deliver in a Muſter Roll of his ſhip's Company's and paſſengers to the inſpecting Officer.

2*d*, The Inſpecting Officer is authoriſed to examine your Crew, and Paſſengers, according to the Roll, which is to contain the names of each perſon on board, the time of their entry, the time and place of their embarking, their Country, and the ſtation or character of each; to this Roll you are to add the names of all places at which your veſſel may have touched during the Voyage.

The Inſpecting officer to examine Crews of Foreign Veſſels.

3*d*, Until you ſhall have complied with this order, you will not be permitted to have communication with the ſhore, and upon your landing, you are to pay ſtrict obedience to the printed Regulations, which you will find at the Office of the Superintendent of Marine; in failure of which, your ſhip will not be admitted to any entry at any Britiſh Port in India.

The Captain of a Foreign Veſſel not to be permitted to come on ſhore before he conforms to the orders as above mentioned.

*Fourth*,

A Veſſel to remain ſtationed in the mouth of the Harbour, to communicate with every Foreign Veſſel, which may be entering, and to enjoin her to anchor till the Inſpecting officer arrive on board.

*Fourth,* A Veſſel is to remain conſtantly ſtationed in the Mouth of the Harbour to communicate, according to theſe Regulations, with every ſhip under Foreign Colours, which may be entering, and to enjoin her to anchor until the Inſpecting Officer ſhall come on board, and make the neceſſary enquiries, and a guard boat is to remain alongſide of each Foreign ſhip thus importing, until removed by the proper authority; and while there, to prevent any Boat whatever from either getting on board of her from the ſhore or from proceeding to the ſhore from the ſhip.

A guard boat to remain alongſide of each Foreign Veſſel, importing to this Harbour.

The Inſpecting Officer to examine and muſter the crew and paſſengers of any Foreign Veſſel coming into this Harbour.

*Fifth,* On the ſtrange ſhip anchoring as above, the Inſpecting officer is to proceed on board and to examine and Muſter the Crew and paſſengers according to the liſts which ſhall have been prepared under the ſignature of the Commander, and that of his Senior Officer.

The Inſpecting officer, after being ſatisfied that no ſuſpicious perſon is on board a Foreign ſhip importing to authoriſe the Pilot to bring the ſhip to her moorings.

*Sixth,* If on this muſter and ſuch further examination as the Inſpecting Officer ſhall deem neceſſary he ſhall not obſerve any ſuſpicious perſons to be on board, he is to authoriſe the Pilot to bring the ſhip to her moorings and to return to the ſhore with his report to the Superintendent of Marine, enjoining the Guard Boat alongſide to exert it's utmoſt vigilance, in preventing any perſon from quitting the ſhip, or proceeding on board of her.

Guard Boat, along ſide a foreign ſhip, not to allow any perſon to quit the ſhip, or proceed on board of her, till ordered ſo to do.

After the Superintendant being ſatisfied with the report of the inſpecting Officer, to authoriſe the removal of the Guard Boat.

*Seventh,* In caſe the Superintendent be ſatisfied with the report of the inſpecting Officer, he ſhall authoriſe the removal of the Guard Boat, and the neceſſary communication with the ſhip; if not, the Guard Boat is to remain, and a report to be made by him to the Hon'ble the Governor.

Upon the removal of a Guard Boat from alongſide any Foreign ſhip, notice to be given by the Superintendant to the Cuſtom Maſter.

*Eighth,* Upon the Guard Boat's being removed from along ſide any foreign ſhip, importing in the manner ſpecified in the preceding ſection, written notice thereof is to be immediately tranſmitted by the Superintendent to the Cuſtom Maſter with ſuch orders and under ſuch Regulations as relate to his Department.

Guard Boat to report to the Inſpecting Officer any violation of theſe regulations.

*Ninth,* The Guard Boat is to report to the Inſpecting Officer any violation of thoſe regulations, which may be perſiſted in by any perſon or perſons; and detain ſuch boat as he or they may be on board of, until he receives his orders on the ſubject.

*Tenth,* The Captain or Supercargo of every foreign ſhip, importing into this Harbour, ſhall immediately on their landing deliver in to the Office of the Superintendent of Police, a liſt of ſuch of the Officers and Crew as, it is intended, ſhall reſide on ſhore during the ſhip's ſtay; who, if he ſees no objection, ſhall thereon grant to each a printed certificate of their being permitted to remain on ſhore, taking thereon the inſtructions of the Governor as from time to time may prove neceſſary.

Such of the officers & crew of any foreign Veſſels as may intend to reſide on ſhore to be furniſhed if no objection occur with a certificate of ſuch permiſſion having been granted.

*Eleventh,* The Captain or Supercargo ſhall further leave at the Police Office a paper with the ſignature of ſuch Officers of the ſhip ( not exceeding three on board of each ) whoſe authority, ſhall, when counterſigned by the Superintendent of Police, be a ſufficient paſs for ſuch of the crew as may have occaſion to be on ſhore, for a time only, which time is to be ſignified in the paſs.

Forms to be obſerved in reſpect to the paſs to be granted to ſuch of the crew as may have occaſion to be on ſhore.

*Twelfth,* All ſeamen and others belonging to foreign ſhips and ſuſpicious perſons in general, not in poſſeſſion of either a general or temporary paſs as above, to be apprehended by the ſuperintendent of Police and kept in cuſtody; the Captain or ſupercargo of the ſhip being charged with all expences attending their ſeizure and detention.

Perſons found without a paſs to be apprehended, and kept in cuſtody by the Superintendent of Police; all charges being defrayed by the Captain or Super Cargo

*Thirteenth,* A Regiſter to be kept in numerical order for each month in the Police Office of all paſſes granted, for the purpoſe of reference.

All paſſes to be regiſtered in the Police Office.

*Fourteenth,* Orders to be iſſued at the Gates and at the ſtations of other Military Guards, to prevent all Foreign European Seamen from paſſing or landing on the Iſland, unprovided with a paſs counterſigned by the Superintendent of Police.

Foreign European Seamen not to be ſuffered to paſs the Gates or any Military Guard, without a paſs-port from the Superintendent of Police.

*Fifteenth,* If at any time the Superintendent of Police ſhall ſee cauſe to ſuſpect perſons thus landed of improper intentions, he is to apprehend and detain the ſame, and make report thereof to the Hon'ble the Governor.

Superintendent of Police to apprehend ſuſpicious perſons of the above deſcription, and report to the Governor.

*Sixteenth,* No Commander of a Foreign ſhip ſhall entertain on board any perſon, either as a part of the crew or as a paſſenger, without a permit from the Superintendent of Marine, who is to act in granting the ſame under the orders and ſanction of the Governor.

Commanders of Foreign ſhips reſtricted from receiving any perſon on board as a part of the Crew, or a Paſſenger, without permiſsion.

*Seventeenth,*

Previous to the embarkation of any Commander of a Foreign ſhip about to depart, the Crew to be muſtered by the liſts furniſhed on her importation.

*Seventeenth,* When any Foreign ſhip is about to depart from this Port, the Inſpecting Officer ſhall, previous to the embarkation of her Commander, repair on board and muſter and examine the crew according to the liſts furniſhed on her firſt importation, and examine the Officers and crew as to ſuch Caſualties as may have been reported during the continuance of the veſſel in Port, and require the permit from the Superintendent of Marine for ſhipping ſuch additional men or Paſſengers, as he may find on board.

The intermidiate Caſualties to be enquired into and the Marine Superintendant's permiſſion required for filling them up.

Foreign ſhips under ſuſpicious circumſtances, to be inſpected, and after the firſt ſearch ha been completed a guard boat to be ſtationed alongſide, to prevent communicating with the ſhore.

*Eighteenth,* In caſes which ſhall appear to require it, the Inſpecting Officer ſhall ſearch any Foreign ſhips under ſuſpicious circumſtances, and is upon all occaſions after his firſt inſpection ſhall have been completed, to ſtation a Guard Boat alongſide of every Foreign Veſſel, to prevent communication with the ſhore until ſhe may ſail out of the Harbour.

After the final inſpection and muſter is made, no perſon to be permitted to go on board.

*Ninteenth,* After the Inſpecting Officer has made his final muſter, and examination of any Foreign ſhip, about to depart, a Guard Boat is to be ſtationed alongſide of her, and no perſon is to be allowed to go on board of her, without a paſs from the Superintendent of Marine.

The Superintendent of Marine, when authoriſed by the report of the inſpecting officer is to counterſign the ſhip's Port clearance, as a permiſſion for her to depart.

*Twentieth,* As ſoon as the Superintendent of Marine ſhall have been ſatisfied, by the Report of the Inſpecting Officer, that theſe Regulations have been complied with, he ſhall counterſign the ſhip's Port-clearance as the authority for her departure, as far as regards his department.

The Superintendent of Marine immediately to report any foreign ſhip which may ſail without a regular Port Clearance &c.

*Twenty firſt,* An immediate report to be made by the Superintendent of Marine of any Foreign ſhip which may ſail from the Harbour without the regular Port-clearance; and the Cruizer in the mouth of the Harbour, upon an agreed ſignal from the Light Houſe, is, as far as poſſible, to prevent any ſuch ſhip from leaving the Harbour without a Pilot.

Dows and Dingey's to be examined by the Inſpector of the Port.

To enquire what paſſengers or if any Europeans are on board.

*Twenty Second,* The Officer in command of the Veſſel ſtationed at the mouth of the Harbour, ſhall ſend one of his Guard Boats with an intelligent perſon to inſpect all Dows, Dingeys or other Veſſels of that deſcription coming into this Harbour, which perſon ſhall enquire of the Naqudah or Craney, what paſſengers or if any Europeans whatever be on

board,

board, and ſhall carefully examine ſuch Veſſel, and if ſatisfied that no improper or ſuſpicious paſſenger or other perſon is concealed therein, ſhall allow ſuch Veſſel to proceed up the Harbour, but otherwiſe to detain her until a Report can be made to the Superintendent of Marine, who will thereon act as he may deem neceſſary, reporting his proceedings to the Governor, and acting thereon as the latter ſhall direct.

Such Dow &c. to be allowed to proceed up the Harbour if no ſuſpicious circumſtances ariſe; but otherwiſe to be detained till report ſhall be made to the ſuperintendent of Marine.

*Twenty third*, No European Foreigner or even Britiſh ſubject ſhall on any account be diſcharged from any ſhip under Engliſh Colours without the permiſſion of the Superintendent of Marine, and when that permiſſion has been granted, the diſcharged man is to be ſent to the Office of Police in order to have his name regiſtered there, and a proper paſsport granted to him as in the caſe of the ſeamen of Foreign ſhips.

No European to be diſcharged from a ſhip without the permiſſion of the Superintendent of Marine.

*Twenty fourth*, All Merchant ſhips whether Engliſh or Foreigners, without diſtinction, ſhall, on their arrival, deliver in correct liſts of their ſhip's Company, and of all other perſons who ſhall be on board, to the Inſpector of the Port, who is to re-examine ſuch liſts on the departure of theſe ſhips reſpectively, and to report to the Superintendent of Police, how many of the European part of ſuch Crew, do re-embark, and what has become of the remainder; which returns are to be regularly ſubmitted by the laſt mentioned Superintendent to the Governor, who after being ſatisfied thereon is to direct the Superintendent of Police to write to the Cuſtom Maſter accordingly, till which the Veſſel's Port Clearance is not to be granted—the object of this Regulation being to prevent Foreign or Britiſh ſubjects improperly remaining on ſhore behind the ſhip that brought them, which beſides other inconvenience has frequently entailed undue expence on Government.

Correct liſts of the ſhip's Company and paſſengers to be delivered to the Inſpector of the Port.

Port Clearance not to be granted till the abſence of any perſons forming part of the Crew, upon a ſhip's arrival is ſatisfactorily accounted for.

*Twenty fifth*, Europeans not in the ſervice of His Majeſty, or the Honorable Company, landing from the Mahratta Country at any of the Bunders under the Cuſtom Maſters of Bombay, Mahim, Salſette, or Caranja, are to be detained at the Cuſtom houſe, until a report can be made to the Governor, of the name, nation, profeſſion, and reaſon of the party for viſiting this Iſland, unleſs ſuch European ſhall be furniſhed with a Paſs from the Hon'ble the Governor, the Reſident at Poona or Hyderabad, or ſome

Europeans, not in the ſervice of H. M. or the H. C. landing from the Mahratta Country, at any of the Bunders, to be detained at the Cuſtom Houſe.

Perſon

perſon authorized to give ſuch paſs, in which caſe he is to be ſent to the Police, where his name is to be regiſtered.

No European of the foregoing deſcription, to be allowed to go off at any of the Bunders, without a paſs regularly granted by the local authorities.

*Twenty ſixth,* Nor is any European of the foregoing deſcription to be allowed to go off at any of the ſaid Bunders without a paſs regularly granted by the local authorities who now are or may be hereafter authorized by Government to iſſue them.

White flag, hoiſted at the ſuperintendent's office, is a ſignal that the Foreign ſhip may proceed up the Harbour.

A red flag, hoiſted at the ſuperintendent's office, is a ſignal that the foreign ſhip is not to proceed up the Harbour.

*Twenty ſeventh,* In the event of the Officer piloting a foreign ſhip into this Harbour, being one of the Inſpector's department, he is to ſend a written report on ſhore; and, upon receipt thereof, a white flag, at the flag-ſtaff, at the Superintendent's Office, will be a ſignal that the report from the foreign Veſſel, juſt arrived, is ſatisfactory, and that he may proceed up the Harbour; but, if the report be not ſatisfactory, a red flag will be hoiſted; upon which the ſhip muſt be anchored, and the Superintendent will repreſent the circumſtances of the caſe to the Governor.

## PORT CLEARANCES.

Form to be obſerved, and Documents to be produced, on applying for ſhip's Port clearances.

IV. *First,* No Port Clearance for any ſhip or Veſſel to be granted, until the following documents ſhall be produced at the Cuſtom Houſe, by the perſon applying for the clearance.

Certificates from the Marine Store-keeper Pay Maſter required.

*Second,* A Certificate from the Marine Storekeeper, and a certificate from the Marine Pay Maſter, that all demands in their reſpective Offices have been ſatisfied.

A letter from the Secretary to Government.

*Third,* A letter from the Secretary to Government that a liſt of Europeans on board had been delivered, and that Government are ſatisfied therewith, and that the Captain and Officers have executed the neceſſary covenants.

A liſt of Paſſengers.

*Fourth.* A liſt of Paſſengers, and ſhould there be none, it muſt be ſo noted on the Port Clearance.

On account of the export Cargo.

*Fifth,* An account of their Export Cargo.

Ship's paſs.

*Sixth,* The ſhip's paſs, which muſt be in every reſpect ſatisfactory.

*Seventh,*

*Seventh*, A Letter from the Superintendent of Police, ſignifying that the Hon'ble the Governor has not any objection to the Port clearance being granted.

A letter from the Superintendent of Police.

*Eight*, When Commanders of Veſſels ſhall have conformed to the rules preſcribed to them in the clauſes of the preceding ſection, the Cuſtom Maſter ſhall then grant a Port clearance to them in the uſual form.

When all the forms have been gone through, the Cuſtom Maſter to grant a Port Clearance.

*Ninth*, The Cuſtom Maſter's Port clearance to all ſhips or Veſſels is to be counterſigned by the Superintendent of Marine, in teſtimony of all the Regulations regarding his Department having been duly obſerved, and as an authority for her departure.

Which is to be counterſigned by the Superintendent of Marine, as an authority for her departure.

*Tenth*, If any Merchant Veſſel ſhall ſail out of this Harbour, without a Clearance, the Commander will be conſidered to have forfeited the Honorable Company's licence and be ſent to Europe.

Merchant Veſſels ſailing without Port Clearance, the Commander will be conſidered as having forfeited the H. C. licence.

*Eleventh*, In Order to prevent the Bunder Pier and Cuſtom Houſe area from being lumbered in the fair ſeaſon, goods which ſhall be landed there ſhall not be permitted to remain longer than twenty four hours.

Goods lodged in the Bunder Pier and in the Cuſtom Houſe area, not to remain longer than 24 hours.

## RECEIPT AND DELIVERY OF BALLAST.

V. *First*, Applications to be made for the quantity of Ballaſt re quired, in writing, to the Superintendent, forty eight hours prior to the time it may be wanted; which will be entered in a Regiſter at the Office, in which Regiſter priority of application will be attended to.

Applications for Ballaſt, to be made, in writing, to the Superintendent

*Second*, No ſhip or Veſſel is, on any account, to hoiſt a Signal for Ballaſt, until directed by the Superintendent, or his Aſſiſtant.

No ſhip to hoiſt a ſignal for Ballaſt, until directed by the Superintendent.

*Third*, All Signals to be hoiſted on a Top gallant maſt, or a Flag ſtaff at the main Top maſt head.

Signals to be hoiſted on a Top Gallant maſt.

The firſt Ship or No. 1 to hoiſt a large red flag,
The ſecond Do. or No. 2 a Do. White Do.
The third Do. or No. 3 a Do. Blue Do.

*Fourth*, It is perſumed that three ſhips, during the monſoon, are as many as can be attended to, and in the fair ſeaſon the number may be encreaſed.

During the monſoon, three ſhips will be attended to.

*Fifth*,

As ſoon as any ſhip has completed her Ballaſt, the ſignal to be ſtruck, —and immediate notice thereof ſent to the Superintendent

*Fifth,* As ſoon as any ſhip has completed her Ballaſt, the ſignal to be ſtruck, and immediate notice thereof ſent to the Superintendent's office, when the ſhip next in rotation will be inſtructed to hoiſt the appointed flag.

When any ſhip has ſtruck her ſignal the other two to alter their Flags.

*Sixth,* When any ſhip has ſtruck her ſignal, the other two are to alter their Flags without further notice. For example, if the red Flag be hauled down, let the White be ſhifted with the red, and the blue with a White; a very ſmall degree of attention on the part of officers on board will render this a ſimple method; and it may be hoped it will prove efficacious.

The contractor to be inſtructed to order Boats firſt to the Red flag and ſo in rotation.

*Seventh,* The Contractor will be inſtructed to order the Boats firſt to the red Flag; and ſo in rotation: and it is expected that Boats be unladen with all poſſible expedition, and in the following manner, viz. The Crew of the Boat are to hand up or deliver the Ballaſt from the Boat to the firſt or loweſt ſtage or grating: from whence the ſhip's crew are to receive it and deliver into the ſhip—Any ſhip delaying is to loſe her turn; and ſhould more Boats be alongſide, than can be quickly diſcharged, ſome will proceed to the white and blue Flags.

The contractor to make his Bills from the Officers's receipts.

*Eighth,* The Contractor is to make his Bills from the officer's receipt which the commanders muſt abide by, as any number of boat loads may be weighed on board.

The Bills and Vouchers to be ſent to the Superintendent's Office.

*Ninth,* The Bills and vouchers are to be ſent to the Superintendent's office, for his or his Aſſiſtant's counterſignature.

Contractor to report, every morning, what Ballaſt and how diſpoſed of on the preceding day.

*Tenth,* The Contractor is to report every morning, in writing, at the office, what Ballaſt, and how diſpoſed of on the preceding day.

Contractor to be under the controul of the Superintendent and his Aſſiſtant.

*Eleventh,* The Contractor is to be under the Controul of the Superintendent and his Aſſiſtant, and of thoſe officers only, unleſs when appeals are made to the Hon'ble the Governor in Council; and that ſuch appeals may be avoided as much as poſſible, Owners and Commanders are requeſted to apply to the Superintendent, when they deem themſelves aggrieved, and he will endeavour to ſee juſtice done.

*Twelfth,*

*Twelfth*, The Contractor will, moſt aſſuredly, be forced to pay his penalties, and forfeit his Contract in caſe of wilful neglect or inattention; but, for unavoidable failures, the Superintendent will make due allowance.

The Contractor muſt be forced to pay his penalties in caſe of neglect.

*Thirteenth*, Ballaſt is not to be ſupplied to the ſhipping in this Harbour, by any other Individual than the Contractor, without the expreſs permiſſion of the Superintendent.

Ballaſt not to be ſupplied to the ſhipping in this Harbour, by any other Individual than the Contractor.

*Fourteenth*, When a Commander may be deſirous of d ſcharging his ballaſt, the Contractor, upon application, will remove it in his own Boats.

When a Commander may be deſirous to diſcharge his Ballaſt, Contractor to remove it in his own Boats.

## CHARGES.

| In the dry ſeaſon, | In the rainy ſeaſon. |
|---|---|
| Rs. 3 „ 14 | Rs. 3 2 14 per Ton. |

Charges for Ballaſt.

## WATER.

VI. *First*, Application to be made, in writing, to the Boat Maſter, for the quantity required—if in bulk (which will be ſupplied in the Honorable Company's Tank boat) or if the ſhip's Casks are to be filled, the number and ſize muſt be ſpecified.

Application for Water to be made to the Boat Maſter.

*Second*, There are three Tank boats, with the following contents, and the charges are as annexed. viz.

Expences for Water.

| | Gallons, | Charge, |
|---|---|---|
| No. 1 | 4,032 | 48 Rupees |
| „ 2 | 5,040 | 60 |
| „ 3 | 3,780 | 45 |

If a Veſſel's Casks are to be filled, the charge is a Rupee per Ton.

## DOCKS.

VII. *First*, When a Veſſel requires to be docked, application muſt be made, by the Commander, to the Superintendent of Marine; who will direct her name to be entered in a Book; and priority of application will always be attended to, unleſs the ſhips of His Majeſty's, or the Hon'ble Company, intervene.

Application for docking a Veſſel, to be made to the Superintendent of Marine.

*Second*

After application has been made implicit attention to be paid to the Mr. Attendant's directions.

*Second,* After application has been made for a Dock, implicit attention is to be paid to the directions of the Maſter Attendant, or his Aſſiſtant, for the preparation of the ſhip to be docked, or in failure thereof, the benefit of the Dock will be withheld.

Crew of a ſhip coming into Dock muſt be previouſly diſpoſed of.

*Third,* The crew of a ſhip coming into Dock muſt be previouſly diſpoſed of; as they will not be permitted to remain on board while the ſhip is in Dock.

While a ſhip is in Dock no Articles of weight are to be received on board.

*Fourth,* While a ſhip is in Dock no Articles of weight are to be received on board without permiſſion from the Maſter Attendant.

Maſter Attendant's orders to be implicitly obeyed by the ſhips hauling out of Dock.

*Fifth,* When it is neceſſary to haul a ſhip out of Dock, the Maſter Attendant's orders for lightening her, by removing what ſhe may have on board, or for putting on board more ballaſt, if neceſſary, are to be implicitly obeyed.

Expences of Docking.

*Sixth,* Dockhire for the Firſt Springs Rs. 450 — Foreigners to pay. Rs. 600

For each of the ſubſequent Springs 350 — 500

## DOCK YARD REGULATIONS.

The wickets of the Dock yard to be opened at day light.

VIII. *First,* At day light the wickets of the Gates are to be opened.

At 7 A. M. the center gate to be opened and Bell rung, to call the artificers to their work.

*Second,* At 7 A. M. the center gate is to be opened, and the Bell rung to call the artificers to work, and at ½ paſt 7 the Gate is to be ſhut and the wicked left open.

At noon the Bell to be rung for the Artificers to go to dinner.

*Third,* At noon the Bell is to be rung, as a ſignal for the Artificers to go to dinner, and the gate is to opened for their egreſs; at ½ paſt 12 the gate is to be ſhut, the wicket being left open.

At 2 P.M. the Bell to be rung for the Artificers to return to work.

*Fourth,* At 2 P. M. the Bell is to be rung for the Artificers to return to work, and the gate is to be opened for their ingreſs; at ½ paſt 2 the gate is to be ſhut, the wicket being left open.

At ſun ſet the Artificers to depart.

*Fifth* At ſun ſet the Bell is to be rung, and the gates opened for the departure of the artificers; and, half an hour afterwards, the gates are to

be ſhut, the wicket of the center gate being left open till the evening gun be fired.

*Sixth*, By the foregoing regulations half an hour after the ringing of the Bell has been allowed for the Artificers to come to their work—the Maſter Attendant is to take eſpecial care that ſuch Artificers as exceed that time, before they preſent themſelves to the muſtering Purvoe, are checked for their pay on the day on which they ſhall ſo exceed, unleſs they ſhall give ſatisfactory reaſons to the Maſter Attendant of the cauſe of their abſence, which reaſons are to be recorded and reported to aſſiſt in the paſſing of their wages for the month.

Half an hour to be allowed to the Artificers to come to their work.

*Seventh*, Although it is to be generally underſtood that theſe rules are not to be diſpenſed with but in caſes of neceſſity, yet it will always be at the diſcretion of the Maſter Attendant to open the Gates for any purpoſe which he may think proper.

In caſes of neceſſity the Gates ſhould be opened.

*Eighth*, They are to be opened when the Hon'ble the Governor thinks proper to viſit the Yard—or for the admittance of the Members of Government, or of Ladies.

The Gates to be opened when the Governor thinks proper to viſit the Yard.

*Ninth*, They are to be opened, likewiſe, when it rains, or when Timber and Plank or any articles which cannot be paſſed through the wickets, are to be conveyed into or out of the yard.

They are to be opened when it rains, or when Timber and Plank are to be conveyed into or out of the Yard.

*Tenth*, No Boats, beſides thoſe attached to the Marine Department are permitted to come to the Dock yard ſtairs, but the following—thoſe belonging to His Majeſty's navy, the Admiral or the Captains in them—The Boat of the Naval Commiſſioner, thoſe belonging to the Hon'ble Company's Cruizers, having the Captains or Commanders in them—thoſe belonging the H. C. Chartered ſhips, having the Commanders in them—or Boats of the Navy or H. C. Marine for the expreſs purpoſe of drawing ſmall Stores; the Boats of His Majeſty's ſhips and of the H. C. Marine for all other purpoſes, and all other boats whatſoever muſt uſe the Pier, expreſsly conſtructed for their accommodation, or the Bunder Pier, as may be found convenient.

No Boats to be permitted come to the Dock Yard ſtairs.

*Eleventh*,

Meat or ſtores not to be paſſed through the Dock Yard.

*Eleventh*, Neither meat nor Stores for the ſhipping of any deſcription (with the exception abovementioned) are to be paſſed through the Dock Yard; the new Pier, or the Bunder Pier, being adequate for ſuch purpoſes.

No Baggage to be carried through the Yard.

*Twelfth*, No Baggage or Stores are to be carried through the Yard by any other than the Crews of the ſhips and veſſels, except with an order from the Hon'ble the Governor, His Excellency the Admiral, the Commanding officer of the Forces, the Superintendent of Marine, the Maſter Attendant, or the Town Major; and all Baggage and Stores ſo paſſed are to be accompanied by a certificate from the Officer to whom they belong.

No perſon to be allowed to enter the Dock Yard after the firing of evening Gun.

*Thirteenth*, After the firing of the Evening Gun no body belonging to the ſhips in the Harbour, below the rank of a commiſſioned officer, is to be allowed to land, or enter the Dock Yard, without the expreſs permiſſion of one of the authorities abovementioned.

Boats Crews not to be permitted to quit their Boats at the ſtairs.

*Fourteenth*, Boats Crews are to be permitted to quit their Boats at the ſtairs, after the hour of ſhutting the Gates.

Small Craft not to deliver fire wood &c. within the Yard limits.

*Fifteenth*, Small Craft are not to deliver firewood or any other lading, within the limits of the yard, without the Superintendent's ſanction.

Veſſels in Dock not to land any lumber on the Pier.

*Sixteenth*, The ſhips and Veſsel in Dock are not to land any lumber whatever on the Pier.

No Cargo to be landed in the Yard.

*Seventeenth*, No Cargo of any deſcription is to be landed in, or paſſed through, the Yard, from or to any ſhip in Dock, without the Superintendent's permiſſion in writing.

No fire or light to be allowed on board a ſhip in Dock.

*Eighteenth*, No fire or light is allowed on board any ſhip or Veſſel in Dock, without the authority of the Superintendent, to whom the purpoſes for which either may be required, muſt be ſtated in writing.

No Palanquins to remain in the Yard.

*Nineteenth*, No Palanquins are to remain in the Yard, without the permiſſion of one of the authorities beforementioned.

*Twentieth*,

*Twentieth,* Natives of every deſcription, not engaged in the ſervice of the Yard, or of His Majeſty's and the Hon'ble Company's ſhips and Veſſels, or concerned in the ſhips under repair, are to be excluded from the Dock Yard.

Natives not to be allowed to enter the Dock Yard.

*Twenty firſt,* If any fire ſhould happen, or any ſignal of diſtreſs be made, on Board a Veſſel in the Harbour, the Yard Bell to be rung and the Dock Gates are to be thrown open, that every aſſiſtance from the ſhore may be conveyed to her.

When any ſignal of diſtreſs be made the Dock Gates to be opened.

*Twenty ſecond,* When a ſhip is either coming into or going out of Dock in the night, the Gates are to be opened for the Maſter Attendant's and Builder's people to paſs.

The Gates to be open when a ſhip is either coming in or going out of the Dock in the night.

*Twenty third,* The Tindals of the Bunder Boats, having any Reports to make on ſervice, are to be permitted to paſs.

Tindals of Bunder Boats to be permitted to paſs.

*Twenty fourth,* When the Builder is repairing any ſhips afloat, he may, on his own authority, deſire the ſentries to allow Country Boats to quit the Dock ſtairs, with Artificers, planks, tools &c.

The Builder may deſire the ſentries to allow country Boats to quit the Dock ſtairs with Artificers &c.

## PILOTAGE AND TRANSPORTING.

IX. *Firſt,* A Pilot proceeding down the Harbour, to importing ſhips is invariably to go on board of the headmoſt.

Pilotage in reſpect to ſhips entering the Harbour.

*Second,* A Pilot conducting a Veſſel out of the Harbour, and ſeeing another ſignalled at the light houſe, is upon quitting the ſhip he takes out, invariably to repair on board the ſhip coming in, if ſhe have not a pilot on board.

*Third,* A Pilot is not to quit a ſhip, after bringing her into the Harbour, until ſhe be ſafely moored, or he relieved.

*Fourth,* The following are the charges for Pilotage viz.

Rates of pilotage for Men of War.

| | Fair ſeaſon | Monſoon |
|---|---|---|
| A ſhip of the line or of 50 Guns | Rs. 100 | Rs. 140 |
| A Frigate or ſloop of War - - - - - - - | 75 | 100 |

*Fifth,* Foreign men of War are to pay, in addition to the above Rates, Rupees 40.

For Foreign Men of War.

*Sixth,*

For Merchant Ships & Veſſels.

*Sixth*, Square rigged Veſſels of all deſcriptions,

| | | | Fair ſeaſon | Monſoon |
|---|---|---|---|---|
| Above | 50 to 300 | Tons, | Rs. 50 | Rs. 75 |
| „ | 300 to 400 | ditto, | „ 55 | „ 80 |
| „ | 400 to 500 | ditto, | „ 60 | „ 85 |
| „ | 500 to 600 | ditto, | „ 65 | „ 90 |
| „ | 600 to 700 | ditto, | „ 70 | „ 95 |
| „ | 700 to 800 | ditto, | „ 75 | „ 100 |
| „ | 800 to 900 | ditto. | „ 80 | „ 105 |
| „ | 900 to 1000 | ditto, | „ 85 | „ 110 |
| „ | 1000 to 1100 | ditto, | „ 90 | „ 115 |
| „ | 1100 to 1200 | ditto, | „ 95 | „ 120 |
| „ | 1200 and upwards, | | „ 100 | „ 125 |

Foreign Merchant ſhips excepting thoſe of the Imaum of Muſcat.

*Seventh*, Foreign Merchant ſhips, of all nations, with the exception of the ſhip belonging to the Imaum of Muſcat, 40 Rupees in addition to the above Rates.

Charges for tranſporting Men of War.

*Eighth*, Ships of the Line and of 50 Guns.

| | Fair ſeaſon Rupees, | Monſoon. Rupees. |
|---|---|---|
| To or from the ſheer Hulk, - - | 80 | 120 |
| From any Chain or anchor to the Dock, - | 100 | 140 |
| From the Dock to a Chain, or the ſhip's anchor, | 100 | 140 |
| Hauling in or out of Dock, - - | 100 | 140 |

Frigates and Sloops of War.

| | | |
|---|---|---|
| To the Sheer Hulk - - - | 50 | 75 |
| From ditto, - - - | | |
| From a Chain or anchor to the Dock, - | | |
| From the dock to a cha'n or anchor, - | | |
| Hauling into Dock, - - | | |
| Ditto out of Dock, - - | | |

*Ninth*, All Foreign men of war to pay, in addition, Rupees 40

& foreign Men of War.

MERCHANT

*Tenth,* MERCHANT SHIPS,

and Merchant ships British & Foreign.

| | Fair season | Monsoon. |
|---|---|---|
| To pay in proportion to their Tonnage; | | |
| Ships of 300 Tons and under. - - | Rs. 40 | 65 |
| And upwards, at the rate of 10 Rs. for every 100 Tons additional, | | |
| All foreign ships to pay 40 Rupees more than British ships—which, on 300 Tons, will be, - | 80 | 105 |

## MOORINGS.

X. *First,* A ship coming in from Sea, and taking in the moorings, is not to be charged for transportation to those moorings.

Charges & Regulations for Moorings.

## EXPENCE OF THE DIFFERENT MOORINGS.

| | | *Per diem* | Fair season | Monsoon. |
|---|---|---|---|---|
| No. | 1 | Large Moorings, - - - | Rs. 6 | Rs. 10 |
| ,, | 2 | | 6 | 10 |
| ,, | 3 | | 6 | 10 |
| ,, | 4 | | 6 | 10 |
| ,, | 5 | | 6 | 10 |
| ,, | 6 | | 6 | 10 |
| ,, | 7 | | 6 | 10 |
| ,, | 8 | | 6 | 8 |
| ,, | 9 | | 6 | 8 |
| ,, | 10 | | 6 | 8 |
| ,, | 11 | | 6 | 8 |
| ,, | 12 | | 6 | 8 |
| ,, | 13 | | 6 | 8 |
| ,, | 14 | | 6 | 8 |
| ,, | 15 | | 6 | 8 |

*Second,* Ships not birthed properly, by the Pilot, will have no charge made for moving them.

Ships not birthed properly will have no charge made for moving them.

*Third,*

For the moving of ships a charge to be made.

*Third*, For the moving of ships, requiring at the Commander's requeſt, a charge will be made according to the ſtated rule.

Ships taking in the Chain for any time ſhort of one day, to be charged for the whole day.

*Fourth*, Any ſhips taking in the chain, for any time ſhort of a day, will be charged for the whole day.

Ships to veer away eight or ten fathoms of Cable.

*Fifth*, Ships lying at a chain, in the monſoon, at the deſire of any Pilot, to veer away eight or ten fathoms of Cable to eaſe the Chain on the Flood Tide.

Ships near the ſhore not to load more than 19 feet.

*Sixth*, Ships near the ſhore are not to load more than 19 feet at ſpring Tides, and to apply to be moved into deeper water, when at that draft.

## LIGHT HOUSE DUES.

Ships and veſſels to pay Light Houſe dues.

XI. All ſhips and Veſſels, down to the burthen of 20 Tons, are to pay at the rate of 15 Rupees per 100 Tons per annum.

## BUOY & ANCHORAGE DUES.

Buoy and anchorage dues.

XII. All Veſſels and Boats, not receiving Pilots, are to pay, annually, according to the following rates.

| | | | | | |
|---|---|---|---|---|---|
| From | 30 to 50 Tons, annually, | - | Rs. | 10 |
| Above | 50 to 100 Ditto, | - - - | „ | 20 |
| „ | 100 to 150 Ditto, | - - - | „ | 25 |
| „ | 150 to 200 Ditto, | - - - | „ | 30 |
| „ | 200 to 250 Ditto, | - - - | „ | 35 |

## RECEIPT AND DELIVERY OF GUN POWDER.

Powder will be received at the magazine at Mazagon.

XIII. *First*, All Powder, on private account, will be received at the Magazine at Mazagon; and at no other place.

Application for receipt and delivery to be made to the Commiſſary of Stores.

*Second*, Application for receipt or delivery muſt be made, at the Office for the Commiſſary of Stores, in the Caſtle, at leaſt 12 hours before hand.

Magazine hours from 8 A. M. to 4 P. M.

*Third*, Magazine hours from eight o'Clock in the morning, till four in the afternoon, every day; Sundays excepted.

None will be received except in complete

*Fourth*, None can be admitted except in complete and unexceptionable Packages; perfectly free from Iron, and not covered, where any are tendered

dered which the Commiſſary, or his people may conſider objectionable he has orders to be ſubſtitute proper Barrels, which will be charged to be Owners.

and unexceptionable Packages.

*Fifth*, As the Magazine is infeſted with white ants, it is recommended to ſuch as may have powder to lodge, to provide themſelves with Teakwood Barrels or Boxes; the Company cannot be at any charge on account of the damage thus occaſioned; and whenever it occurs, the Commiſſary will ſubſtitute Teakwood Barrels, which will be charged to the Owners: and ſimilarly, in all caſes, where, from decay or other cauſes, the Packages may become objectionable.

Magazine infeſted with white ants.

## SUPPLIES OF MILITARY STORES.

XIV. *First*, All applications, for the ſupply of ordnance or other ſtores, to be made to the Military Board, by the Owner or Commander of the ſhip, muſt ſtate the voyage on which ſhe is bound, and muſt be accompanied by an affidavit, ſworn before and atteſted by a Magiſtrate, certifying that the veſſel and her cargo are abſolutely, and bonâ fide, Britiſh property, or the property of perſons living in a Britiſh Settlement, and under the protection of the Britiſh Flag, as per forms annexed; viz.

Applications for the ſupply of ordnance to be made to the Military Board.

To

A. B.

SECRETARY TO THE MILITARY BOARD.

SIR,

I beg you will be pleaſed to procure me an Order from the Military Board, to receive from the Commiſſary of Stores (ſpecify the ſtores) intended for the defence of the ſhip bound on a voyage to the Eaſtward—I beg to encloſe an affidavit, ſtating the ſhip to be Britiſh property, and will execute ſuch other papers as may be neceſſary.

Form of letter to the ſecretary of Military Board.

BOMBAY, I am, &c. &c.

SEPT. 16th 1803. (Signed) C. D.

## FORM OF AFFIDAVIT.

BOMBAY,

I do hereby declare on oath, that the ſhip to be commanded by Captain E. F. together with the Cargo; and for the defence of which

Form of Affidavit.

which a ſupply of Military Stores is now requeſted, are abſolutely and bonâ fide Britiſh property.

ſworn before me (Signed) F. G.

this of 180

(Signed) H. J.

MAGISTRATE.

*Second*, When theſe forms ſhall have been complied with, if the articles can be ſpared, a bill will be made out in the Military Board's office for their value, with the addition of 50 per cent, together with an obligation to be ſigned by the party in whoſe name the ſtores are ſupplied, binding himſelf to return into the arſenal, on the return of the ſhip to this Port, the Guns and Muſquets with which he may have been ſupplied, or to account for any eventual loſs—The following is the,

## FORM OF THE OBLIGATION.

BOMBAY the of 180

Form of obligation.

The Preſident and Members of the Military Board having been pleaſed to comply with my requeſt for a tupply of arms and Military Stores, for the defence of the ~~ſhip~~ on her preſent intended voyage within the Hon'ble Company's Limits, the value of which, with fifty per cent advance, being Bombay Rupees ; I have depoſited and paid that ſum in the hands of the Military Pay Maſter General and I do engage hat the ~~Guns~~ and Muſquets, compoſing part of theſe ſupplies, ſhall be redelivered into the Company's Stores; and I will pay for ſuch as ſhall be loſt or damaged, during the time they are on board the ſaid ſhip, which is to be deducted out of the depoſit made in the hands of the Military Pay Maſter General; and he is, upon my producing the Commiſſary of Stores's Receipt for the Guns and Arms which I ſhall deliver into the Arſenal to repay me the amount

(Signed) J. K.

Bills for ſtores to be ſent to the party applying.

*Third*, The bill for the Stores, and the preceeding obligation, will be ſent to the party applying, with a letter to the Pay Maſter General, requeſting him to ſee the obligation ſigned, to receive the amount of the bill in caſh, and to grant a receipt for money; on the production of which

at

at the Military Board's office, and order will be granted on the Arſenal for the delivery of the Stores, and an intimation of the amount in depoſit for the Guns and Muſquets, and of the amount of the Stores ſold will be made to the office of Audit.

Guns and Muſquets ſupplied to veſſels to be ſurveyed on the ſhip's return.

*Fourth*, On the ſhip's return to this Port, the Guns and Muſquets ſupplied to her on loan muſt be ſurveyed by the Committee of ſurvey, whoſe Report will be laid before the Military Board, when the full depoſit for ſuch of them as are found to be in a ſerviceable ſtate, will be returned to the Captain or Owner; one third of the depoſit for ſuch of them as may be reported repairable, will be retained by Government to defray the expence of repairs; and ſhould any of the Guns or Muſquets be deficient, or deemed totally unſerviceable by the Committee of ſurvey, the full amount of the depoſit, for ſuch Articles, will be retained by Government.

All ſtores will be ſold to individuals.

*Fifth*, All Stores, excepting Guns with their Carriages, and Muſquets, which are only to be ſupplied on loan, will be ſold to individuals, with an addition of 50 per cent on the prices eſtabliſhed by the liſt of prices.

## Rules to be obſerved on board the H. C. ſhips, while taking in a Cotton Cargo.

Oil &c. to be removed from a ſhip taking in Cotton.

XV. *First*, Before a Bale of Cotton ſhall be Shipped, Oil, Oil paints, and Spirits of Turpentine muſt be removed from the Orlop Deek, to a proper place of ſecurity on the Poop, and the Commander muſt, in writing, report to the Superintendent of Marine ſuch removal.

No fire to be allowed.

*Second*, No fire is to be allowed, for any purpoſe, in any Boat conveying Cotton.

No light to be allowed in the hold.

*Third*, No light is, on any pretence, to be allowed in the hold, or on the orlop, during the ſtowage of Cotton.

No Natives to be allowed to go in the hold.

*Fourth*, No natives of India are to be allowed to go into the hold, or on the orlop, during the receipt of a Cotton cargo.

No work to be allowed in the hold.

*Fifth* No work is to be allowed in the hold, or on the orlop, after ſix o'Clock, nor any Cotton to remain on the upper or Gun Decks after that time.

*Sixth*,

Officers of ſhip to be in the hold.

*Sixth,* Within a quarter of an hour of the concluſion of the day's work, all the Officers, in the ſhip, muſt be in the hold, and ſee the Seamen up before them, and, perſonally, attend the laying on of the Hatches and Scuttles, the Keys of which are invariably to be kept by the Commanding Officer.

Ship's Engine to be kept in conſtant readineſs on the upper Deck.

*Seventh,* The ſhip's Engine muſt be kept in conſtant readineſs with it's apparatus on the upper Deck and a ſufficient number of hands muſt be ſtationed for the Duty of working it ſo that there may be no confuſion, on an Emergency.

In the event of fire ſhip's Bell to be rung.

*Eighth,* In the event of fire, the ſhip's Bell to be rung, and immediate notice ſent, on ſhore, to the Marine Department.

Orders from Superintendent to be implicitly obeyed in the event of fire.

*Ninth,* Should ſuch a Calamity occur, the orders of the Superintendent or Maſter Attendant, or the other proper Officers, by their directions, to be implicitly obeyed.

Should caſes of emergency render the ſuſpenſion of any of theſe Regulations neceſſary the Commander to make his application to Government.

*Tenth,* Should caſes of emergency ariſe, to render the ſuſpenſion of any of theſe Regulations neceſſary, the Commander muſt make his application to Government.

A Copy of theſe Regulations to be delivered to each Commander.

*Eleventh,* A Copy of theſe regulations printed is to be delivered to each Commander, whoſe ſhip is to be laden with Cotton, upon his arrival, and his receipt taken for the ſame.

RULES for private ſhips taking in Cotton, in addition to Nos. 2. 3. 5. 6. 8. 9, to be obſerved on board the H. C. ſhips.

Veſſel taking in Cotton to have a ſpare pump.

XVI. *First,* Every Veſſel taking in Cotton muſt have a ſpare pump over her ſide with a Tub to receive water, and two dozen Buckets with Lanyards at hand.

No light to be permitted after 8 P. M.

*Second,* No Lights to be permitted among the Crew after 8 P. M. nor any other than the Binnacle light after 10 P. M.

The Crew not to cook their victuals on board.

*Third,* The Crew are not to be permitted to cook their victuals on board but in a Boat aſtern of the ſhip.

Regular watch to be kept during the night.

*Fourth,* A regular watch muſt be kept, during the night, above and below.

*Fifth,*

*Fifth,* No woman is to be allowed to remain on board.

No woman to be allowed to remain on board.

*Sixth,* No Lascar, shipped, for any voyage, is to receive more than one months pay in advance.

No Lascar to receive more than 1 Month's advance.

*Seventh,* Certificates, under the denomination of absent Tickets, are to be granted to such Lascars as may demand them, empowering an agent to receive equal to one third of the Lascar's pay, during his absence.

Certificates to be granted to Lascars demanding them.

*Eighth,* All persons engaged in the provision and shipment of Lascars are to be registered at the Police Office and to take out a licence for the exercise of their calling, granting to the Superintendent sufficient security.

All persons engaged in the shipment of Lascars to be registered at the Police office.

*Ninth,* Lascars are to proceed on board their respective ships within 24 hours after the receipt of their impress.

Lascars to proceed on board their ships within 24 hours after the receipt of impress.

*Tenth,* Any Lascar, having regularly received Impress, who deserts from his ship, while in the Harbour, is to be subject to 12 months imprisonment, to hard labor, on the Docks, as a Convict.

Any Lascar deserting from his ship, to be subject to a year's imprisonment.

*Eleventh,* Crews of ships, burnt, or lost, in Harbour (and in all cases of burning) are to be compelled to serve out, the remainder of their time either on board the H. C. Cruizers, or as the case may require, upon the Docks, under the most rigid restrictions, but not as Convicts.

Crews of ships burnt, to serve out either on board the Cruiser, or on Docks.

*Twelfth,* Commanders of ships are to furnish to the Lascars, slop, Fish &c. at fixed rates and to be accountable to Government for failure in what shall become their duty in this respect.

Commanders of ships to furnish Lascars slop Fish &c.

*Thirteenth,* Liberty is to be granted to any Lascar, who may demand it, for the purpose of lodging any Complaint before the Superintendent of Police, for hard usage.

Any lascar wishing to lodge a Complaint before the Superintendent of Police, to be at liberty so to do.

## PURCHASE OF MARINE STORES.

XVII. *First,* For Stores to the value of fifty 50 Rupees, ready money must be paid.

Ready money to be paid for stores to the value of 50 Rs.

*Second,* Applications, for Stores, to the above value, must be preferred to the Assistant to the Superintendent of the Marine, who will make out an

Applications to be made to the Assistant to

Indent

the Superintendent.

Indent to be counterſigned by the Superintendent; on the back of which the Accountant will make out a Bill, which muſt be carried to the Pay-maſter, who will receive the money, and certify the ſame on the face of the Bill—the document being then carried to the Marine Store-keeper, he will iſſue the Articles indented for.

Application for ſtores valued above 50 Rs. to be made to the Superintendent of Marine,

*Third*, Applications for ſtores above the value of fifty 50 Rupees muſt be made to the Superintendent of the Marine, by preſenting to him an Indent on the Marine Store-keeper—which, having received his counter-ſignature, is to be taken to the Store-keeper or his Deputy, and the ſtores will be iſſued accordingly.

Bills to be made out by the accountant.

*Fourth*, Bill for ſuch ſtores will be made out by the Accountant, and ſent by him to the Pay-maſter. for recovery from the Parties—and if any delay occur in the payment after the expiration of a month after delivery, Intereſt will be charged.

## PRICE OF STORES.

30 per Cent to be charged on ſtores.

XVIII. *First*, Upon the prime Coſt of Europe ſtores, calculated at an average of the coſt of ſtores for three years, 30 per Cent is charged—excepting only Pitch, and Tar, on which 150 per Cent, and Spars on which 100 per cent is levied.

On Country ſtores 20 per cent is levied.

*Second*, On Country ſtores, the prime coſt of which is ſimilarly averaged, 20 per cent is levied.

Individuals who uſe their own Europe or country ſtores to be charged 20 per Cent.

*Third*, Individuals who uſe their own Europe or Country ſtores in the repairs of ſhips in Dock are charged 20 per cent upon the Company's Invoice price of the former—and 10 per cent upon the price paid in the ſtore Department for the latter.

In lieu of the percentage to be charged upon Europe ſtores a charge at the rate of 1000 Rs per 100 Tons, to be ſubſtituted.

*Fourth*, In lieu of the percentage which formerly was charged upon Europe and Country ſtores belonging to Individuals, and uſed in building veſſels in the Company's Dock Yards, a charge, at the rate of 1000 Rupees per 100 Tons, has been ſubſtituted.

## PRICE OF THE LABOR OF ARTIFICERS.

Price of the labor of artificers.

XIX. *First*, For ſhips requiring repairs afloat, an Indent muſt be made on the Marine Store-keeper, and counterſigned by the Superinten-

dent,

dent, for the neceſſary number of Artificers of the deſcription required, and the charge for the ſame will be the amount of pay which they receive from the Company.

## REGULATIONS IN THE BOAT DEPARTMENT.

XX. *First,* For the purpoſe of preventing frauds, and of facilitating the unlading of the H. C. Regular and Extra ſhips at the Dock of Bombay; a truſty European is attached to each of the H. C. Luggage Boats; who is to keep an account of what is received into the Craft and compare it with the ſhip's account, with which it muſt agree before the Boat depart from alongſide.

A truſty European to be attached to each of the Luggage Boats.

*Second,* A truſty perſon from the ſhip to proceed likewiſe in the Boat.

A perſon from the ſhip to proceed in the Boat.

*Third,* Two Locks to be affixed to each hatch of the Boats, one key to be in charge of the perſon from the ſhip, and the other to be kept by the European belonging to the Boat.

Two locks to be affixed to each hatch of the Boats.

*Fourth,* The Commander of a ſhip, on the day previous to his requiring Craft, is to ſend notice to the Boat Maſter, ſtating whether it be wanted, for King's ſtores, Company's cargo, or private Trade; the Craft is on no account, to be laden with other Goods than thoſe for which it has been demanded.

Commander of a ſhip to apply for a luggage boat, a day prior to his requiring it.

*Fifth,* Upon the arrival of a Luggage Boat, at the Bunder, the Boat Maſter is, without delay, to appriſe the different Departments, to which the Cargo of the Boat may belong, that each may immediately ſend a truſty perſon to the place of landing, where he is to receive the Goods of his Department, and give a receipt to the perſon appointed on the part of the ſhip.

The boat maſter to appriſe the different departments of the arrival of a luggage boat.

*Sixth,* As all ſtores, whether for the King or the Company, are, in England, conveyed to the Indiamen by the Company's Boats only, ſo the Company's Boats alone are to be employed in unlading their ſhips here.

Company's boats are to be employed in unlading their ſhips here.

*Seventh,* The Extra ſhips being generally laden with the goods of numerous Individuals which it is impracticable to ſelect without great delay

All private Trade to be brought on ſhore in the Company's boats.

and

and frequent injury, ſo as to load each Boat, ſent to the ſhip, with the property of one perſon; and complaints being conſtantly made by the Merchants themſelves, that the Boats, which they ſend off, are after long detention and great expence ordered on ſhore empty, the goods not being at hand, it is directed, for the advantage of all parties, that all private Trade be brought on ſhore, in the Company's Boats, and in no other; that, upon the landing of theſe goods, the Warehouſekeeper do give a receipt, take charge and lodge the property in a ſuitable Warehouſe; whence the Owners are to receive it upon paying the Boat hire.

Rates of boat hire.

*Eight*, Rates of Boat hire.

| *No.* | *Names,* | *Tonnage,* | *Hire per diem.* |
|---|---|---|---|
| 1 | Diligence, - - | 100 | Rs. 20 |
| 2 | New London, - | 109 | 20 |
| 3 | Bombay, - - | 100 | 20 |
| 4 | Content, - - - | 100 | 20 |
| 5 | Camel, - - - | 51 | 16 |
| 6 | Buffaloe, - - | 59 | 16 |
| 7 | Backhorſe, - - | 61¼ | 16 |
| 8 | Perim long Boat, | ,, | 6 |
| 9 | Mazagon, - - | ,, | |

And of charges for the uſe of Cranes on he wharf.

*Ninth*, Rates of Charges for the uſe of the Cranes on the Wharf, collected by the Boat Maſter.

| | Rs. | qr. | reas. |
|---|---|---|---|
| For hoiſting large ſpars, each - - - | 2 | ,, | — |
| An anchor under 20 Cwt. - - | ,, | 2 | — |
| Ditto above ditto, - - - | 1 | ,, | — |
| A Gun under ditto, - - - | ,, | 2 | — |
| Ditto above ditto, - - - | 1 | ,, | — |
| A large Bale, - - - - - | ,, | 1 | — |
| A ſmall ditto, or Cask, - - - | ,, | ,, | 48 |
| A Horſe, - - - - | ,, | 1 | — |
| Bullock or Cow, - - - | ,, | 1 | — |
| A Carrige, or large Box, - - - | ,, | 1 | — |
| Small Packages, each. - - - | ,, | ,, | 24 |

Rates of payment on the Company's Craft.

*Tenth*, Articles conveyed in the H. C. Craft to pay half the amount, whether belonging to His Majeſty's or to Merchants.

## REGULATIONS FOR THE OFFICE OF AGENT FOR TRANSPORTS.

All Maſters of Tranſports to be under the Agent's order.

XXI. *First*, To give due effect to the appointment of an agent for Tranſports, and to inſure a punctual compliance with his directions all ſhips chartered by Government, for the public ſervice, are to be placed under

under the controul of that Officer; conſequently the Maſter, the Mates, and every perſon belonging to the Tranſport, together with her Boats &c. are to be ſubjects, in all reſpects to the orders of the agent, and this eſſential regulation is to form a clauſe in all future Charterparties.

*Second*, The Agent is to be early apprized of the acceptance of Tenders, and fully informed of the conditions upon which Tranſports may be engaged.

The Agent to be apprized of the acceptance of Tenders.

*Third*, All orders and communications, with the Maſters of Tranſports, are to be through the Agent.

Orders to the Maſters of Tranſports to be through the agent.

*Fourth*, The different offices, whence ſtores or proviſions are to be embarked, are to tranſmit to the Agent, as early as poſſible, the quantity and deſcription of ſtores and proviſions to be ſent on board the reſpective tranſports, the Agent is then to ſelect ſuch as, from weight or bulk ought to be ſent off firſt, and to appriſe the heads of offices of the ſame, and of the time when particular articles will be wanted, to prevent confuſion in the embarkation, and a loſs of room from bad ſtowage.

The different Offices to tranſmit, to the agent, the quantity of ſtores to be ſent on board the tranſports.

*Fifth*, The Agent is to viſit the ſhips frequently, either when loading or unloading, and give ſuch directions, regarding to ſtowage or diſcharge of ſtores, as he may judge proper; in the execution of which duty he, or ſuch officers as may be appointed to aſſiſt him, muſt meet with attention and obedience to their orders, as provided for in Clauſe Firſt of this Section; and any neglect, in this reſpect, of the Commander or officers is to be reported, by him, to the Superintendent of Marine, as a breach of the charterparty.

The agent to viſit the ſhips frequently.

*Sixth*, It is the duty of the Agent to report to the Superintendent of Marine, any defect or deficiency in the Hull, Stores, or Crew of the tranſports.

Any defect in the tranſports, to be reported by the agent.

*Seventh*, The Maſters of Tranſports are to attend, at the Agent's office, every morning, at 10 o'clock; with a written report of the duty performed on board the ſhips under their Command, during the preceding day, of the cargo received, or delivered; and of that which may be at the time, alongſide.

Maſters of tranſports to attend every morning, at the agent's Office.

*Eighth*,

Maſters of tranſports not to quit the Fort.

*Eight,* Maſters of Tranſports are not to quit the Fort, without the permiſſion of the Agent.

Maſters of Tranſport's to report, to the agent, the ſhip's arrival.

*Ninth,* Maſters of Tranſports, on their return from any ſervice, are to report the ſhip's arrival, perſonally, to the Agent, within two hours after their anchoring in the Harbour, with a correct liſt of every article belonging to the Hon'ble Company on board, in neglect of which one days hire of the ſhip is to be ſtopped.

The agent to clear the tranſports, as early as poſſible.

*Tenth.* The Agent is to begin clearing the Tranſports, as early as may be practicable, after their return, and to aſcertain, from the Superintendent of Marine, if their ſervices will be longer required, and being informed that they may be diſpenſed with, he is to ſignify their diſcharge, in writing, to the Maſters, as ſoon as they ſhall have been cleared of the H. C's. property.

The agent to apprize the heads of departments of the ſtores to be landed.

*Eleventh,* The Agent is to appriſe the Officers, at the Heads of Departments, of the quantity and nature of the Stores to be landed, that they may be prepared to receive and remove them into their reſpective ſtores, as ſoon as they are put on ſhore.

Maſters of tranſports not to take on board any article of private trade.

*Twelfth,* Maſters of Tranſports are to be bound, by a ſtipulation in the Charterparties, not to take on board any article of private Cargo, without the written conſent of the Government, or of the Superior public authority at the Ports, to which they may be ordered; and, to inſure the fulfilment of this condition, the Maſters are to deliver, upon Honor, to the Agent, a Liſt of all the ſtores which they may require for the voyage, and of thoſe with which they return to Bombay.

Agent to make arrangements for the accommodation of Troops.

*Thirteenth,* When Troops are to be embarked all arrangements for the accommodation of the officers and Soldiers are to be made by the Agent, who is to conſult with, and attend to the ſuggeſtions of the Quarter-maſter General.

The agent to Superintend the embarkation and diſembarkation of troops.

*Fourteenth,* It is the duty of the Agent of Tranſports to Superintend the embarkation and diſembarkation of Troops, under the directions of the Quarter-maſter General.

*Fifteenth,*

*Fifteenth*; The Commanding Officers of Corps or Detachments of Corps, embarked on board Tranſports, are to report to the Agent any deficiencies they may find in the uſual and neceſſary comforts and conveniences, allowed to the Troops on board ſhip, as well as any complaints they may have occaſion to prefer againſt the Maſters of the Tranſports, and it will be the duty of the agent to adopt the regular mode for remedying the complaints ſo made.

The Commanding Officers of Corps to report to the agent any deficiency, in the accommodations on board the tranſport.

*Sixteenth*, As ſoon as the Tranſports, intended for the conveyance of Troops, are, in every reſpect, prepared to receive them on board, the Agent is to make a report, to the Superintendent of the Marine, and the Quarter-maſter General of the army, that they may communicate the ſame, reſpectively, to Government, and to the Commander in Chief.

The agent to inform the Superintendent of any tranſport being ready for the reception of troops on board.

*Seventeenth*, Whenever any embarkation of European or Native Troops ſhall be ordered from this Preſidency, a Committee of Marine Officers to be required, under the authority of Government, on receiving a report of the numbers, caſt &c. intended for embarkation, to make an alliotment of the Troops and followers to a ſhip or ſhips; which, having done, the Superintendent of the Marine is then to allot ſpecifically, by inſtructions to the Captain or Maſter of each ſhip or Veſſel, the ſituation and ſpace, which is to be aſſigned for the uſe of the Troops in their ſhips or Veſſels reſpectively.

A Committee of Marine Officers to make alliotment of the troops on board tranſports.

*Eighteenth*, A Copy of theſe directions and arrangements, on being received by Government, will be forwarded, from the Military Department, to the Commander in Chief, or in his abſence, to the Officer Commanding at the Preſidency Station, who will cauſe copies of the diſtribution and allotment of accommodation, to be furniſhed to the Senior Military Officer, proceeding on the ſhip or ſhips reſpectively.

A Copy of theſe directions to be forwarded to the Commander in Chief.

## EUROPEAN GENERAL HOSPITAL.

XXII. The Commanders of all Merchant ſhips may ſend ſick or hurt Europeans to the European General Hoſpital, with a note to the Surgeon and one Rupee for each man per diem is the charge for all expences of diet medicine &c.

Commanders of ſhips to ſend, to the European hoſpital, any Europeans ſick or hurt.

## NATIVE GENERAL HOSPITAL.

Native hurt, or ſick, to be ſent to the native hoſpital.

XXIII. The Commanders of all Merchant ſhips may procure admittance to this Hoſpital for ſick or hurt Natives of their Crews, upon application to the Medical Board or to the Superintendent of Police, the charge, for all expences, of every deſcription, being limited to Rupees Eleven and one quarter per menſem.

### Indian Built Ships Bound to Europe.

Indian built ſhips bound to Europe how to be manned.

XXIV. *First*, Beſides the Maſter and Mates an Indian built ſhip bound to England muſt have for her crew in the proportion of eight (8) Seamen, if European, or twelve (12) if Natives of Aſia or Africa, to every one hundred Tons; and without a crew in this proportion, the ſhip will not be permitted to quit the Port.

Clothing to be provided for the crew — penalty for not providing the ſame previouſly to the ſhips departure.

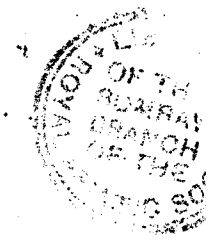
*Second*, The Owners muſt provide and have ready for ſurvey, ten days before the ſhip's departure, the following quantity of Clothing for each Native of Aſia or Africa, belonging to the Crew, and if the Committee of examination ſhould diſapprove of any Articles, they muſt be changed.

| *One Set for each Perſon to conſiſt of the following Articles.* | *Penalties for not providing the ſame.* |
|---|---|
| Four yards of Europe red or blue Cloth for each man, that is, one Jacket, and one pair of Trowſers with feet, to be made up either in this Country or on board, at the option of the Commanders of the ſhips, ſay at two and half Rupees per yard. | Bombay Rupees, ſeven (7) for each Jacket or pair of Trowſers deficient. |
| Two Caps. | Bombay Rupee one & eight annas (1.8) for each cap deficient. |
| Two pair of Mittens. | Bombay Rs. four (4) for each pair of mittens deficient. |
| One pair of Trowſers with feet, of Country Blanketing. | Bombay Rs. two (2) |
| One Jacket of Do. | Bombay Rs. two (2) |
| One pair Shoes. | Bombay Rs. two (2) |
| One Bed to conſiſt of three Country Blankets ſewed together, with a Pillow Stuffed with Blanketing. | Bombay Rs. four (4) |
| One Blanket. | Bombay Rs. one (1) |
| One Canvas bag to contain the Cloths. | Bombay annas eight (8) |

*Third*,

*Third,* Clothing to be provided for the uſe of the Seamen immediately upon the arrival of the ſhip in England. And in Europe upon the arrival of the ſhip.

One Jacket of Coarſe Woollen cloth.
Two pair of Trowſers of coarſe Woollen cloth.
Two Guernſey ſhirts.
Two pair of Stockings.
Two Caps.
Two pair of Mittens.
One pair of Shoes.



*Fourth,* Airy and commodious Births muſt be provided for the Crew which will be ſurveyed by the proper Officers in the Marine Department, who may direct their alteration or enlargement, as circumſtances may appear to them to require. Airy and commodious births to be provided for the crew.

*Fifth,* As ſeveral Laſcars and other Natives of India have been landed at the Cape of Good Hope from recaptured Country ſhips in conſequence of which the Hon'ble Company have been put to conſiderable expence by maintaining the Laſcars &c. ſo landed, and returning them to India; and as circumſtances of a ſimilar nature may frequently occur and the company be ſubject to very heavy expence in reſpect to country or Foreign ſhips; it is hereby provided that Security ſhall be taken from the owners or agents of all ſuch ſhips as may be cleared out at this Preſidency at the rate of Eight Hundred Rupees on one fourth of the crew, or Rupees ten thouſand on a crew of fifty to indemnify the Company from all expence which may be incurred by them in conſequence of any of the Native Seamen that may eventually be impreſſed on board, being landed at any of the Britiſh Colonies, in any part of the United Kingdom, or other places on the occaſion of the capture or loſs of any ſuch Country or Foreign ſhip, or from any other cauſe; and the Native ſeamen thereby becoming a charge on the Eaſt India Company. Security to be given for Laſcars impreſſed on board foreign Ships not becoming chargeable to the Company.

*Sixth,* A week before each Ship's departure a Numerical deſcriptive Liſt of her crew ſhall be delivered to the Maſter attendant; for the purpoſe of enabling the Company's Solicitor to take the preſcribed ſecurity and hand it up to the Government. To be taken by the Company's Solicitor.

*Seventh,*

The Security to remain as a Deposit in the Treasure at interest and to be refunded on the return of the party, to India.

*Seventh*, The Security will remain as a deposit in the Hon'ble Company's Treasure either wholly or in part as the case may be; and be redeemable with Interest at the rate of six per Cent per annum on the return of the parties on account of whom the Security shall have been taken or on the production of a formally authenticated certificate of their death.

# A. D. 1811. REGULATION I.

A REGULATION *veſting the Reſident at* FORT VICTORIA *with Powers to hear and determine Civil Suits to a certain extent; and with Magiſterial authority for the apprehenſion and trial of perſons charged with crimes or Misdemeanors;—paſſed by the Governor in Council on the 24th of September* 1811. *Correſponding with the 7th Asswin Sood Vickramajet or Sumbut Era* 1867 *Salbahan* 1733, *and 5th Ramzan* 1226 *Hejry.*

Preamble.

BANCOOTE, and Himutghur or Fort Victoria, as it was ſubſequently named, was taken poſſeſſion of, in the name of the Eaſt India Company on the 10th of January 1756; and on the 26th of the following Month of April, certain articles of agreement were concluded at Fort Victoria, by William Andrew Price Eſq. the Britiſh Reſident with Ramajee Punt, in behalf of Nanna, the Marhatta General, for ſettling the limits of the Hon'ble Company's poſſeſſions in that Quarter; in purſuance of which, the Marhattas engaged to deliver over to the Hon'ble Company, the Villages of Velaſs Bag, Mandla, Veſſavee, Chippola, Coorg, Pundaree, Penwa, Daſghaum, and Combla:— that engagement was confirmed by the Treaty concluded at Poona, with the Paiſhwa, on the 12th of October 1756; by which Inſtrument, Fort Victoria, and it's nine dependent Villages

lages were made over to the Hon'ble Company for ever, inclusive of the Royalty, over the river of Bancoote, in exchange for the Fort of Gheriah and it's diſtricts, as taken by the Engliſh from Toolajee Angria, on the 13th of February of that year. In the Inſtructions iſſued to the Reſident, on the acquiſition of that dependency, no proviſion was made for the adminiſtration of Juſtice within the limits of his authority:—it would appear however, that the Reſidents were in the practice, in matters of a Criminal nature, to ſeize the offenders, and to forward them, for examination and trial by His Majeſty's Juſtices at Bombay, at the ſame time that a diſcretionary power was veſted in the Reſident to expel perſons of a ſuſpicious character, ſubject to the infliction of ſevere Penalties in the event of their return. This practice continued until the 29th of July 1803; when it having been judged expedient to extend the juriſdiction of the Court eſtabliſhed for Salſette, Caranja, &c. to Bancoote and it's dependencies; public notice thereof was given; and the meaſure formally ſanctioned by Regulation III, 1803;—it having been moreover directed, that the Court ſhould be adjourned to thoſe diſtricts for Twenty days in each year. Inconveniences ſtill continuing to be experienced in caſes requiring promptitude of deciſion, in the apprehenſion, and commitment of offenders, it was ordered, under date the 6th of Auguſt 1808, that the Reſident ſhould act in charge of the Police Department, "as being "at once the moſt efficacious and regular medium" for the attainment of thoſe objects;—the extent of the powers intended to be veſted in the Reſident as in charge of the Police Department, was not however, on that occaſion defined;—and doubts having been ſince entertained in reſpect to it's extent; and whereas many daring outrages againſt the peace of ſociety have been recently committed, which have forcibly proved the neceſſity of eſtabliſhing a more efficient and local control than can be exerciſed under Regulation III. 1803;—the following rules have been accordingly enacted.

II.

II. The Reſident at Bancoote is empowered to take cognizance of all ſuits and complaints of a Civil nature in which the cauſe of action ſhall not exceed the ſum of one Hundred Rupees; his deciſions being, in all caſes, appealable to the Judge for the diviſion of Salſette;—regulating his proceedings according to the formalities preſcribed by Regulations III. and IV. 1799.

The Reſident at Bancoote empowered to take cognizance of all Suits and to the extent of one Hundred Rupees.

His deciſions appealable to the Judge for the diviſion of Salſette.

III. The Reſident is alſo veſted with Magiſterial powers; and authorized to exerciſe the ſame, conformably to the proviſions contained in Regulation V. 1799;—previouſly however to his entering upon the execution of the duties of a Magiſtrate he ſhall take and ſubſcribe before the Governor in Council the oath preſcribed in Section II. of that Regulation;—perſons committed or held to bail by the Reſident being remanded to Tannah to take their Trial before the Court of Circuit.

Veſted alſo with Magiſterial powers.

But not to exerciſe the ſame without taking the preſcribed oaths.

# A. D. 1811. REGULATION II.

REGULATION *for veſting the Aſſiſtant to the Collector of* CARAJANH *with Magiſterial powers, and with authority to ſettle pecuniary differences to a certain extent passed by the Hon'ble the Governor in Council on the 22d of October* 1811 *Correſponding with the 5th Cartick Sood Sumbut or Vekramajet Era* 1868 *Salbahan* 1733 *and 2d of Shaval* 1226 *Hejry.*

BY Regulation III. 1799, a Court of Juſtice with Civil and Criminal Juriſdictions was eſtabliſhed in and over Caranjah; the Inhabitants of that Iſland, however, having experienced conſiderable inconvenience by being compelled to proceed to Tannah for the ſettlement of trifling diſputes, or otherwiſe to await the arrival of the Magiſtrate at Caranjah, whilſt from its inſular ſituation all communication with it is cloſed for three months in each year; and whereas it is eſſential, for theſe reaſons, to eſtabliſh a more prompt and local adminiſtration of Juſtice, particularly of a Magiſterial nature, the following regulation is accordingly enacted.

# A. D. 1811. REGULATION II.

II. The Magiſterial and Judicial powers veſted by Regulation I, 1811 in the Reſident at Bancoote, are veſted in, and to be exerciſed by the Aſſiſtant Collector of Caranjah, in the manner preſcribed by that Regulation, with the exception of the amount of Civil Suits cognizable by the Aſſiſtant Collector which is limited to fifty Rupees inſtead of one hundred; an appeal lying to the Judge at Tannah as in the inſtance of the deciſions by the Reſident at Bancoote.

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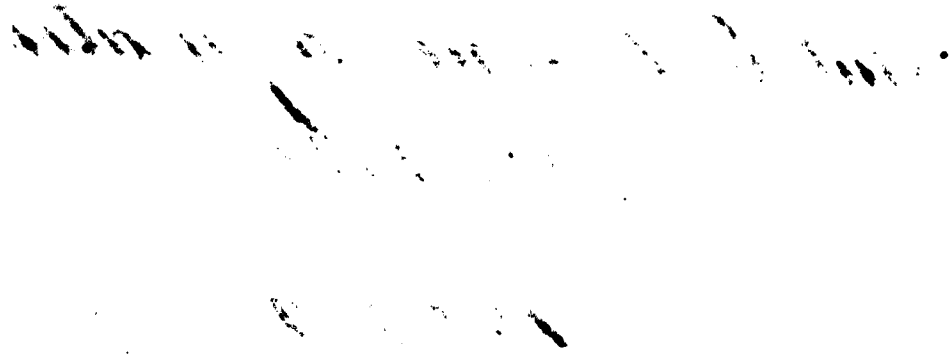
Accompg No. 3016

Rule Ordinance & Regulation

II. 1812

No. 2 of 14

Recd 1st February 1814



# RULE ORDINANCE AND REGULATION II. 1812.

A RULE *Ordinance and Regulation for veſting a Control in the ſale of Arrack or other Spirituous Liquors beyond the limits of the Town of Bombay and on the Iſland generally in his Majeſty's Juſtices of the Peace paſsed in Council on the 14th day of October* 1812, *and regiſtered in the Court of the Recorder of Bombay on the tenth day of December* 1812.

Preamble.

WHEREAS by the Act of the 33d George 3d a control on the ſale of Arrack or other ſpirituous liquors is veſted in his Majeſty's Juſtices of the Peace as far as reſpects the Town or Factory of Bombay, and whereas in order to prevent, as much as poſsible the immoderate uſe of Country Arrack and other ſpirituous liquors, all of which are highly prejudicial to the health and morals of the public, and to the peace and good order of ſociety, it is deemed expedient to extend that authority, and to ſubject the ſale of Arrack or ſpirituous liquor in every part of the Iſland of Bombay to the control of his Majeſty's

jeſty's Juſtices of the Peace, be it therefore ordained by the authority of the Right Honorable the Governor in Council now aſſembled, that from and after the due regiſtry and publication of this Rule Ordinance and Regulation in the Honorable Court of the Recorder of Bombay, conſiſting of the articles herein after ſpecified, the ſaid Rule Ordinance and Regulation ſhall have the full force of Law within this Iſland.

ARTICLE 1ſt.

The ſale of ſpirits in any part of the Iſland without the licenſe from the Magiſtrates prohibited.

All perſons are prohibited, as well from ſelling Country Arrack, as from ſelling any deſcription or quantity of foreign ſpirits in any part of the Iſland of Bombay, without being firſt duly authoriſed ſo to do by licenſe under the hands and ſeals of the Majority of Magiſtrates in Quarter Seſsions aſſembled, or under the hands and ſeals of two of the Magiſtrates of Bombay in Petty Seſsions aſſembled; and, which ſaid licenſes for the ſale of Country Arrack and foreign liquors over every part of the ſaid Iſland, the ſaid Magiſtrates are hereby empowered to grant; it being underſtood however that every ſuch licenſe ſo given by the ſaid two Magiſtrates in Petty Seſsions may be, in caſes where it may be deemed expedient, quaſhed, at any time during the propoſed continuance of the ſame by the Majority of the Magiſtrates in Quarter Seſsions aſſembled.

ARTICLE 2d,

Form of Licenſe.

All licences for the vend either of country Arrack or of foreign Spirits ſhall be as near as circumſtances will permit in the following form.

Whereas A. B. has applied to us for a licenſe to ſell,

now be it known that we have conſented to grant him the ſame on condition that he duly and faithfully perform, and abide by the conditions hereunder written.

That

That the places at which A. B. is authorized to keep ſhops for the retail of ſpirits, are as follows.

*(Here enter list of places with the number of ſhops)*

That A. B. is not to open a ſhop for the retail of ſpirits, at any other than the places above ſtated.

That in the ſale of Arrack A. B. ſhall not uſe nor permit to be uſed, under any pretence whatever, any ingredient pernicious to health, ſuch as Chunam or other ſubſtance intended to encreaſe the power of the ſpirit, or to add to it's intoxicating quality.

That he prevent all drunkenneſs, gaming and diſorder, within his ſhops, and that he be careful not to ſell a quantity of liquor to any perſon, ſufficient to cauſe intoxication.

That he will not allow any quantity of liquor exceeding one ſeer or quart to be removed from his ſhop, under any pretence whatever.

That he will not harbour robbers, thieves or riotous perſons but on the contrary give information to the neareſt Magiſtrates or Police Officer, of any ſuſpected perſons who may reſort to his ſhop.

That he will not receive any grain, goods, wearing appeal, or property, in barter for liquor, and that on the offer of any ſuch he ſhall give information to the neareſt Police Officer.

That he will not open any ſhop before ſun riſe nor keep it open after eight P. M. and that he will not harbour any perſons in it during the night.

Upon any breach of the above conditions this licenſe ſhall be held to be forfeited and a fine not exceeding two hundred and fifty Rupees ſhall be impoſed at the diſcretion of the Magiſ-

trates

trates and levied upon the perſon taking out ſuch licenſe. Given under our hands and ſeals this day of

ARTICLE 3d,

Perſons receiving licenſes are to execute counterpart engagements.

Perſons receiving licenſes according to the preceding Section ſhall execute counter part engagements.

ARTICLE 4th,

The eſtabliſhing of ſhops within the Military Cantonments and the ſale of Arrack to Soldiers & Sailors prohibited.

Shops ſhall not be eſtabliſhed within the limits of any malitary cantonment, nor ſhall country manufactured Arrack or fermented liquor be ſold to any European ſoldier or ſailor either directly or indirectly; the violation of this proviſion ſhall ſubject the offender to a fine at the diſcretion of the magiſtrates in Petty Seſſions aſſembled, not exceeding one hundred Rupees and the forfeiture of his licenſe on conviction before the ſaid magiſtrates in Petty Seſſions.

Penalty if violated.

ARTICLE 5th,

Penalties to be impoſed on perſons ſelling liquors after the expiration of his licence.

Any perſon who may be detected ſelling ſpirituous liquors after the expiration of the period, for which his licenſe may have been granted, without having obtained a new licenſe for that purpoſe, ſhall for ſuch unlicenced ſale be ſubject to the preſcribed penalties in like manner as if he had not taken out any licenſe whatever; the ſame penalties will alſo be incurred, beſides a forfeiture of the licenſe, by the ſale of ſpirituous liquor within the term of a licenſe at any other place or in any other ſhop, than the places and ſhops to which the vender is reſtricted by ſuch licenſe.

ARTICLE 6th,

Fine to be levied on perſons ſelling Spirits without licenſe.

*Firſt.* Any perſon who may be convicted before the magiſtrates of ſelling ſpirituous liquors without having previouſly obtained a licenſe, or of vending ſpirits at places not ſpecified in his licenſe ſhall be fined in a ſum not exceeding one hundred Rupees.

*Second*

*Second.* Any perſon or perſons convicted before the Magiſtrates in Petty Seſſions of the offences ſpecified in the proceeding clauſe, and not diſcharging the penalty impoſed on him or them, the amount of ſuch fine ſhall be levied by iſſuing proceſs againſt his property by warrants under the hands and ſeals of two or more of the ſaid Magiſtrates in Petty Seſsions. If property belonging to ſuch offenders, ſufficient to make good the penalty, be not found, ſuch offender or offenders ſhall be committed to Jail and kept to hard labour at the diſcretion of the ſaid Magiſtrates.

Further proceedings if the parties be unable to pay the fine.

*Third.* Any perſon who may be convicted of ſelling ſpirits in which any noxious ingredients ſhall have been mixed, ſhall be liable to be committed by any Magiſtrate to Jail to be tried before the Court of Petty Seſsions, and on proof duly eſtabliſhed of his guilt, the ſaid Priſoner ſhall be fined, flogged, impriſoned, and kept to hard labour at the diſcretion of the Magiſtrates.

Penalties in perſons ſelling ſpirits in which any noxious ingredients ſhall have been mixed.

ARTICLE 7th,

To expedite the apprehenſion and puniſhment of perſons guilty of the offences ſpecified in the preceding Section, any Magiſtrate upon receiving information againſt unlicenſed venders or againſt perſons ſelling liquor with noxious ingredients ſhall by a warrant, direct the proper officer to apprehend and carry him before the Magiſtrates in Petty Seſsions on the uſual day or days of aſſembling.

The parties to be apprehended and taken before the Petty Seſsion.

ARTICLE 8th,

Police officers ſhall report to the Magiſtrates any miſconduct of the licenſed dealers or venders of ſpirits and of people employed by them in deviation from the above ſtated Regulation, or in breach of the conditions of their licenſe that the ſaid dealer's, or vender's people, employed by them may be proceeded againſt as the Regulations direct.

Miſconduct or deviation of theſe rules by the licenſed venders or their people to be reported to the Magiſtrates.

13/14

Accompg No. 3016

Rule Ordinance & Regulation

III. 1812

No. 3 of 14

Received 1st February 1814

[illegible]

# RULE ORDINANCE AND REGULATION III. 1812.

A RULE, *Ordinance, and Regulation, to reſtrain the conſtruction of all Buildings within the Town Walls likely to endanger the defence of the Garriſon, to remove and prevent encroachments that may exiſt or be attempted to be made, in the Streets, and high roads, both within, and without the Town Walls, and generally throughout the Iſland of* BOMBAY, *and to prevent the introduction of Articles of a Combuſtible Nature within the Garriſon, Paſsed by the Right Honorable the Governor in Council on the 4th of November* 1812 *and Regiſtered in the Honorable the Court of Recorder on the twenty Sixth day of December following.*

Preamble.

WHEREAS by a Statute paſſed in the Forty Seventh Year of His Preſent Majeſty King George the Third entitled " an act for the better " Government of the ſettlements of Fort Saint George and Bombay for " the

" the regulation of public banks and for amending ſo much of an act " paſſed in the thirty third Year of His preſent Majeſty as relates to the " periods at which the Civil Servants of the Eaſt India Company may be " employed in their Service aboard," it is enacted that it ſhall be lawful for the Governor in Council to make and iſſue Rules for the good Order and Civil Government of this Iſland, ſubject to the previous condition of being duly regiſtered and publiſhed in the Court of the Recorder of Bombay, and to ſuch other Conditions as are impoſed by the Statutes of the thirteenth, thirty ninth, and fortieth of His Preſent Majeſty upon the exerciſe of a like power at Fort William in Bengal by the Governor General in Council; and whereas from the various encroachments which at ſundry times have been made as well upon the roads throughout the Iſland of Bombay as on the ſtreets, lanes and paſſages within the walls of the town and Garriſon, many of the ſaid roads, ſtreets, and paſſages, have become narrow, and incommodious for Carriages and Paſſengers and prejudicial to the trade and health of the Inhabitants; and are neceſſary to be enlarged, as well for the convenience of the ſaid Town and Iſland, as the Security of the ſaid Fort and Garriſon, and whereas, by reaſon of a moſt dreadful fire happening within the ſaid Town in the year of our Lord 1803 a great part thereof was burnt down and deſtroyed within the compaſs of a few days, and lies buried in its own ruins, for the ſpeedy reſtoration thereof and for the better regulation, uniformity and gracefulneſs of ſuch new buildings, as ſhall be erected for habitations therein, and to the end that great and outrageous fires (through the bleſſing of Almighty God) ſo far forth as human providence can foreſee may be prevented for the time to come, for the better ſecurity of the ſaid Town Fort and Garriſon, and for the general benefit, comfort and convenience of all the Inhabitants of the ſaid Town and Iſland of Bombay;

Be it therefore ordained by the authority of the Right Honorable the Governor in Council, now aſſembled and in virtue of the power by the ſaid Statute conferred that, from and after the due regiſtry and publication of this Rule, Ordinance and Regulation in the Court of the Recorder of Bombay, the ſaid Rule, and Ordinance conſiſting of the Articles herein after ſtated, ſhall have the full force of Law within this Iſland, and ſhall be ſtrictly obeyed as ſuch by all His Majeſty's Subjects inhabiting the ſame.

ARTICLE 1ſt.

# RULE, ORDINANCE & REGULATION III. 1812.

ARTICLE 1ſt. The main ſtreet thro' the bazar ſhall be enlarged to the breadth of forty feet from Houſe to Houſe; Moody's ſtreet ſhall be enlarged to the breadth of 35 feet; Bora's ſtreet ſhall be enlarged to the breadth of 25 feet and all croſs ſtreets within the fort ſhall be of the breadth of 16 feet.

The required breadth of the Streets within the Fort.

ARTICLE 2d. And it is hereby further ordained by the authority aforeſaid, That all thoſe ſtreets near the fortification where the fire of 1803 extended, from 155 feet ſouth of the entrance to the Cumberland Ravelin, to 140 feet north of the ſame, and from the Bazar gate, to 100 feet eaſt of the ſame and from 60 feet ſouth of the entrance to the new Lunette, to the commencement of the Cremelier work, be enlarged to the breadth of 60 feet each; and that all thoſe other ſtreets running parallel with the works where the ſaid fire did not extend ſhall be enlarged to the breath of 40 feet each.

The required breadth of the Streets near the fortification.

ARTICLE 3d. And it is hereby further ordained by the authority aforeſaid that the great roads thro' the iſland of Bombay commonly called the *Parell Road and the Breach Candy Road reſpectively ſhall be* enlarged to the breadth of 60 feet each and that the road or ſtreets commonly called Shaik Memon and Dungaree ſhall be in like manner enlarged to the breath of 40 feet each and that all other principal Streets without the walls of the fort and within the Iſland of Bombay be made of the breath of 30 feet; that all roads branching from either of the greater roads aforeſaid be made of the breadth of forty feet and all lanes, croſs ſtreets, and paſſages now or hereafter to be made, without the ſaid walls, be of the breadth of 20 feet clear from houſe to houſe and not leſs.

The required breadth of the *roads throughout the Iſland as well of all* Streets &c. without the walls of the Fort.

ARTICLE. 4th. And for the purpoſe of carrying the ſaid regulation into effect gradually and with the leaſt poſſible inconvenience to the inhabitants of houſes yet ſtanding and not immediately requiring to be rebuilt, but which ſhall or may be hereafter taken down for the purpoſe of being rebuilt; it is hereby further ordained by the authority aforeſaid, that all Walls or Foundations, contiguous and adjoining to any of the principal ſtreets within the Fort Walls, taken down and removed are to be rebuilt four feet at the leaſt backward, and receding from the former or antient ſcite and poſition until ſuch ſtreets ſhall have attained the preſcribed breadth.

The preſcribed mode of carrying the above regulation gradually and convinientely into effect.

ARTICLE 5th.

ARTICLE 5th. All Walls and Foundations contiguous and adjoining
Ditto. to any of the croſs ſtreets and lanes, within the Fort Walls, taken down and removed, are, until ſuch ſtreets and lanes ſhall have attained the preſcribed dimenſions, to be rebuilt at leaſt two feet backward and receding from the former, or antient ſcite and poſition as often as they ſhall be found within the breadth above deſcribed.

ARTICLE 6th. All Walls, or Foundations of every kind and deſcrip-
Ditto. tion contiguous and adjoining to the Parell and Breach Candy Roads taken down or removed where the ſaid Roads ſhall not have attained the breadth above deſcribed, are to be rebuilt, ſix feet at leaſt, backward, and receding from the former, or antient ſcite and poſition.

ARTICLE 7th. All Walls or Foundations contiguous and adjoining to
Ditto. any of the ſtreets, croſs roads and lanes without the Fort walls taken down or removed are to be rebuilt four feet backward, or receding from the former or antient ſcite and poſition until they ſhall have attained the preſcribed breadth of twenty feet.

The preſcribed limit to the hieght of the houſes within the Fort.

ARTICLE 8th. The height of all Houſes, or other buildings within the Town Walls, except under ſpecial permiſſion from the Government, is not to exceed 48 Feet 36 Feet, to the Eaves and 12 feet for the ridge Pole.

No window or door frames unleſs covered with plank to be uſed, and their loweſt heights preſcribed.

ARTICLE 9th. No frames over Windows and Doors are to be uſed within the Walls of the Garriſon unleſs covered with plank and no ſuch projections, the height of which ſhall not at the leaſt be 12 feet from the ground, ſhall be allowed.

ARTICLE 10th. All perſons deſirous of building, repairing or altering any houſe, or tenement or the boundaries of any ground within the iſland of Bombay, are to prefer their applications to the Court of Petty Seſſions, who will thereon direct the Engineer acting, under their Orders, for the time being, to meaſure the actual dimenſions of the premiſes, in the preſence of the perſon claiming an intereſt therein, or of ſome perſon acting on his or her behalf, for the purpoſe of aſcertaining how far ſuch extent of ground correſponds with the meaſurement exhi-
The courſe to be purſued by perſons deſirous of build-
bited in the Collector's books; and in all caſes of difference the rents and revenues ſhall be, in future, collected according to the actual dimenſion

of

of the premiſes. It is alſo to be the duty of the Engineer Officer thus employed to ſtate how far the plan, or principles of the intended building, repairs or alteration are unobjectionable or otherwiſe. In the former caſe the Collector is, after receiving from the party intending to build or repair, a written agreement binding himſelf to regulate his future payment by the aſcertained meaſurement of the premiſes, to ſubjoin to the remarks of the Engineer acting under the Court of Petty Seſſions, " Permiſſion may be granted", which permiſſion it will then reſt with the ſaid Court to confirm, but no repair or reconſtructions are to be allowed by that authority, nor any leave granted until the forms above deſcribed ſhall have been obſerved: it being alſo provided that the Engineer, acting under the orders of the Petty Seſſions ſhall in all inſtances of application to repair, and build within the Walls of the fort communicate with the Chief Engineer, and no erections or alterations ſhall be ſanctioned within thoſe limits which may be deemed objectionable by the latter Officer.

ing repairing &c and the proceedings to be adopted before permission is granted.

ARTICLE 11th. It is accordingly required of all perſons not to take down, or remove any Wall, or Foundation contiguous, or adjoining to any of the Main roads, or ſtreets, throughout the Town and Iſland of Bombay, for the purpoſe of rebuilding the ſame, or for any other purpoſe whatſoever, except in ſtrict conformity to the preceding clauſes.

Perſons taking down walls &c. contiguous to the public Streets to conform to the preceding regulation.

ARTICLE 12th. And it is hereby further ordained that the following fees be exacted by the Court of Petty Seſſions on account of the County Fund, on all applications for permiſſion to rebuild or to repair viz.

Amount of fees to be exacted on granting permission to build &c.

On all applications to build within the Town ten Rupees . . . . ( 10 )
Ditto, . . . . . to repair . . . . . five Rupees . . . . ( 5 )
On all applications to build within the Fort five Rupees . . . . . ( 5 )
Ditto, . . . . do. to repair . . . . . two Rupees . . . . . ( 2 )
ſubject in all caſes to the condition that where the intended building or repairs ſhall not coſt two hundred Rupees no fee whatever is to be levied.

ARTICLE 13th. The following articles are forbidden to be admitted within the Town of Bombay, at any of the Gates unleſs by ſpecial written permiſſion, by order of the Honorable the Governor, or Commandant of the garriſon, under the ſignature of the Senior Magiſtrate of Police, or of the Town Major, or Fort Adjutant, who are reſpectively to keep

keep a regiſtry of all ſuch licenſes as may be ſeverally granted by them viz.

Pitch, Tar & other inflammable articles forbidden to be admitted into the fort unleſs by ſpecial permiſsion.

Pitch, Tar, Roſin, Dammer, Turpentine, Varniſh, Paint, Oil, Gunpowder, Bamboos, Tattas, Cadjans, Bamboo Mats and Copras; any and all of which articles are, on being found within the Walls of the Town to be removed without the gates, by the order of any one of the Magiſtrates, at the expence of the owners.

Shops for ſale of the ſame to be eſtabliſhed beyond the Engineer's limits.

ARTICLE 14th. Shops for the ſale of the articles comprehended in the preceding Section may be eſtabliſhed beyond the Engineer's limits; to which part of the Iſland it is, manifeſtly, for the general intereſts, that trading in ſuch dangerous commodities ſhould be transfered.

The quantity of Hay allowed to be brought within the fort.

ARTICLE 15th. Fifty bundles of Hay are permitted to be brought for the daily conſumption of each horſe kept within the Walls of the garriſon, ſuch Hay to be introduced under the authority of the paſſes above ſpecified, and to be monthly exchanged for new paſſes, the latter not being iſſuable till the former be ſurrendered.

The places where hay is to be ſcrewed and embarked.

ARTICLE 16th. Hay intended for stock at ſea, or in harbour to be ſcrewed without the Fort and embarked at Musjed Bunder, or the Apollo Pier without being permitted to paſs thro' the Fort.

The deſcription of light admiſsible in Stables &c.

ARTICLE 17th. No lights will be allowed in Stables, Cow or Buffaloe Houſes within the Gates of the Fort except in hanging Globe Lamps or Lanthorns; and it will be the duty of the Officers of Police, and of the Garriſon to remove ſuch Lamps, or Candles as may appear unſecured in the manner, and ſituations above deſcribed; and alſo to take up any perſon who may be diſcovered ſmoaking in ſuch buildings.

The deſcription of buildings &c. admiſſible within the forts.

ARTICLE 18th. At the ſame time, that the preceding reſtrictions have been deemed eſſential, for the ſafety of the Fort and of the Black Town, the Governor in Council is aware of the urgent expediency of guarding, as far as poſſible, againſt fires which have ſo frequently occurred, and has, accordingly, been pleaſed to prohibit the conſtruction, both within the Walls of the Garriſon and the limits of the Native Town, of all Houſes, Sheds, or Huts, with of Tatta or Cadjans, or of other materials than ſtone or brick with tiled roofs.

The limits and period for depoſiting articles or Mer-

ARTICLE 19th, The practice of lumbering Bombay Green with various

various articles of Merchandize, which are eaſily warehouſed, having encreaſed in a degree that requires to be checked; it is to be clearly underſtood that ſuch articles will be allowed to be depoſited within and not beyond the limits marked for the purpoſe according to the original ſanction of Government, and that even theſe Articles muſt be taken away and warehouſed, and the Green entirely cleared at the expence of the Owners thereof on or before the 1ſt of June in each Year.

Merchandize on Bombay Green limited and preſcribed.

ARTICLE 20th. The Chief Magiſtrate of Police may as an eſpecial indulgence, on application for that purpoſe, allow of ſacred Bulls being brought into the fort for any particular Obſervance incident to the forms and uſages of the Hindoo Religion.

Sacred Bulls may be brought into the fort with permiſsion of the Senior Magiſtrate of Police.

ARTICLE 21ſt. The Governor in Council has been pleaſed to appoint a Surveyor of Buildings and Dwellings, and of the Roads, Streets, Lanes, and Paſſages ſituated beyond the limits of the Town of Bombay; who is to officiate under the immediate Orders of the Court of Petty Seſſions and who ſhall officiate as the Aſſeſſor and Superintendent of repairs within the limits of the Town of Bombay, without any additional Salary, in the event of His Majeſty's Juſtices nominating him to thoſe Offices.

A Surveyor of buildings &c. appointed.

ARTICLE 22d. If any perſon or perſons ſhall throw or depoſit any Timbers or Rafters, any Carrion, Dirt, Soil, Straw or Dung, or any other Filth, or Rubbiſh, or annoyance whatſoever on any of the Roads, Streets, Ways or public paſſages, or into any of the drains or ſewers, made or to be made within the Settlement, or fix or faſten any Scaffolding Bamboos or Ropes or ſhall ſet down or leave Carriages, Bricks, Lime or Chunam, or any other matter or thing for the ſpace of four hours which may occaſion any annoyance, nuiſance or obſtruction whatſoever; ſuch perſon ſhall for every ſuch offence, forfeit and pay to the Court of Petty Seſſions, not more than the ſum of fifty, nor leſs than the ſum of ten Rupees.

Perſons depoſiting certain articles in the road to be fined &c.

The amount of the fine ſpecified.

ARTICLE 23d. It may be lawful however for the ſaid Surveyor for the time being and he is hereby required on due requiſition in writing to be to him given by any Inhabitant, Proprietor, or Owner of Lands and Houſes, within the Settlement; to give liberty or licence to any of the Inhabitants or Proprietors, or Owners of Lands, or Houſes, within the ſaid Settlement; or other Builders or Workmen, to make and keep up for a time

Exception to the foregoing rule.

to

to be therein limited ( but which ſhall not exceed one year, nor be extended by any freſh liberty of licence ) an encloſure on the high way before, or on the ſides of their reſpective Houſes or Buildings, or before or on the ſide of any intended Houſes or Buildings in order to the building, pulling down, or repairing of the ſame, or the Appurtenances thereto, and for the laying neceſſary materials for the ſame and the rubbiſh ariſing there from, ſo that the length and breath of ſuch encloſure be deſcribed in ſuch licence, and there be ſufficient room for Carts, Coaches, and other Carriages to paſs and repaſs; and ſo that the perſon obtaining ſuch licence ſhall immediately after ſun-ſet during all the time that the encloſure ſhall continue, place or cauſe to be placed, a lighted Candle or Lamp, in a Lanthorn, and continue the ſame lighted until day ſhall break. And no perſon or perſons, acting under ſuch licence and in purſuance thereof, and placing and continuing ſuch Candle or Lamp as aforeſaid, ſhall, during the time thereby to be limited, be ſubject or liable to the payment of the forfeiture herein laſt mentioned.

The burning of bricks, Lime &c. prohibited within the limits of the Town.

ARTICLE 24th. No perſon ſhall burn or make, or cauſe to be burned or made, Bricks, Lime, or Chunam within the limits of Town of Bombay, and every perſon, offending herein, ſhall forfeit to the Court of Petty Seſſion the ſum of Twenty Rupees at the leaſt and if any perſon ſo making or burning or cauſing to be made or burnt any Bricks, Lime or Chunam, within the ſaid Limits, ſhall not after notice, for that purpoſe given, forceaſe the burning ſuch Bricks, Lime, or Chunam, every perſon ſo offending ſhall forfeit to the ſaid court the ſum of twenty Rupees for each and every day, that the ſame ſhall continue to be made or burnt after ſuch notice.

No projections over or encroachments on the roads &c. to be allowed.

ARTICLE 25th. The Court of Petty Seſſions ſhall and may at any time after the taking effect of this Rule, Ordinance and Regulation, cauſe notice to be given in ſuch manner as they ſhall think proper, to the Owner or occupier of any Houſe, Building, Land, Tenement, or Hereditament, within the Iſland of Bombay, from which any Pent houſe, Bow Window, Porch, Shed, Balcony, Rail, Bulk, Sign poſt, Spout Gutter, or other thing, doth or ſhall over hang or in any way project or encroach upon any Street or other public Paſſage, and to the Owner or occupier of any ſtall, ſhamble or booth, standing in or otherwiſe encroaching upon

any

any Street, or other public paſſage, warning by ſuch notice the ſaid Owner, or occupier, that he remove, or regulate ſuch projection or encroachment, in ſuch manner as not to incommode the Public; And, in caſe ſuch owner or occupier ſhall refuſe or neglect ſo to do for the ſpace of fifteen days next after ſuch notice ſhall have been given to him, it ſhall and may be lawful for the ſaid Court to cauſe any and every ſuch Penthouſe Bowwindow, Porch, Shed, Balcony, Rail, Bulk, Sign Poſt, Spout, Gutter, Stall, Shamble, Booth, or other Encroachment, Nuiſance, or Annoyance to be removed and regulated in ſuch manner as they ſhall think proper, and ſuch owner or occupier ſhall forfeit to the ſaid Court a ſum equal to the expenſes and charges, which the Court ſhall incur in doing the ſame.

Such if made to be removed.

Article 26th. No Head Builder, Maſter Carpenter, Maſter Maſon, or Workman, ſhall in rebuilding or new fronting any old Building, ſituate in or near any ſtreet ſquare, lane, or public way, bring the Foundation thereof forward beyond the old Foundation, ſo as to encroach upon any ſuch Street, ſquare, lane, or public way, and every perſon ſo offending ſhall forfeit and pay to the Court of Petty Seſſions for every ſuch offence, the ſum of one Thouſand Rupees, and the Owner of ſuch Building ſhall alſo forfeit and pay to the ſaid Court the further ſum of one thouſand Rupees for every month ſuch obſtruction or Encroachment ſhall remain by the Foundation of ſuch Building being brought forwards as aforeſaid after notice given to him or her, or left at the place of his or her laſt abode, by the ſurveyor to remove the ſame—And it ſhall and may be lawful to and for the ſaid Court to order the ſame to be taken down, or regulated in ſuch manner as they ſhall think proper, and ſuch owner or occupier ſhall forfeit and pay to the ſaid Court a ſum equal to the expences and charges, which the ſaid Court ſhall incur in doing the ſame.

The amount of fines for brenging old foundations forwards ſpecified.

Article 27th. The Court of Petty Seſſions are hereby authoriſed to keep in repair, throughout the Iſland, beyond the limits of the Town of Bombay and of the Eſplanade, all the roads, paſſages and ſtreets, exiſting within the limits aforeſaid; and in the event of the ſaid Court judging it convenient and expedient to make other roads, paſſages or ſtreets on the Iſland, or to change the courſe of any of the old roads, paſſages or ſtreets, they ſhall apply, in the firſt inſtance, for the ſanction of the Governor

The roads throughout the Iſland to be kept in repair by the Courts of Petty Seſſions and which Court is authorized to make new ones &c.

Governor in Council for that purpoſe; and for enabling the Court of Petty Seſsions to effect the purpoſes aforeſaid, they are authoriſed to treat and agree with the owner of ſuch Lands, Houſes, Tenements and other Hereditaments, as it ſhall and may be neceſſary to purchaſe for the purpoſes of cutting any drains, or ſewers, and of making and completing ſuch roads, ſtreets and paſſages as aforeſaid; or for any other public purpoſe whatever, which may be required by the Governor in Council.

The Court of Petty Seſsions invested with authority to purchaſe and &c.

ARTICLE 28th. The Court of Petty Seſsions ſhall have full power and authority to buy and they are hereby authoriſed to pay, with the ſanction of the Governor in Council for the ſame, Lands, Houſes, Tenements, and Hereditaments, by them ſo purchaſed, for the purpoſes aforeſaid; and alſo to pay for the making and completing of the ſaid drains, ſewers, roads, ſtreets and paſſages, out of ſuch funds, as ſhall be eſtabliſhed for thoſe purpoſes.

The mode preſcribed where perſons refuſe to ſell lands &c.

ARTICLE 29th. In caſe any perſon or perſons ſhall refuſe to treat, or ſhall not agree for the ſale of any ſuch Lands, Houſes, Tenements or Hereditaments which may be ſo required, then, and in ſuch caſe the Court of Petty Seſsion ſhall cauſe the value of the premiſes to be enquired into, and aſcertain, by and on the oath of a Jury of twelve indifferent men reſident in the Iſland (which oath the ſaid Court or one or more of them is and are hereby empowered and required to adminiſter) to be ſummoned by the Sheriff in manner hereinafter mentioned, what damages will be ſuſtained by, and what recompence and ſatisfaction ſhall or ought to be made to ſuch owners, or other perſon, or perſons, intereſted in the Premiſes, or any part thereof for their reſpective intereſt therein; and the ſaid Court are hereby empowered and required from time to time as there ſhall be occaſion, to ſummon and call before the ſaid Jury, by written notice for that purpoſe to be given; and to examine upon oath all perſons whatſoever, who ſhall be thought neceſſary or proper to be examined as witneſses touching or concerning the premiſes, which oath the ſaid Court or any one or more of them is and are hereby empowered and required to adminiſter. And if any of the parties intereſted ſhall requeſt the ſame, or the ſaid Court, or any one or more of them, ſhall think it neceſſary, they ſhall alſo cauſe the ſaid Jury to view the place or places in queſtion, and ſhall uſe all other lawful ways and means, as well for

their

their own, as for the ſaid Jury's information in the premiſes, in ſuch manner as the ſaid Court ſhall think fit and after the ſaid Jury ſhall have ſo enquired of and aſcertained and ſettled ſuch damages and recompence, the Court of Petty Seſsions ſhall order and adjudge the ſum or ſums of money, ſo aſſeſſed by the ſaid Jury for ſuch Premiſes as aforeſaid, to be paid to the perſon or perſons intereſted in the ſaid Premiſes, or any part or parts thereof, according to the verdict ſo had and made as aforeſaid, and ſuch order and adjudication, ſo had and made, ſhall be final and concluſive, to all intents and purpoſes, againſt all parties and perſons whatſoever, claiming in poſſeſſion, remainder, reverſion, or otherwiſe, their heirs, executors, or adminiſtrators, or ſucceſſors reſpectively, as well as all other perſon or perſons whomſoever, and all and every perſon or perſons, in any wiſe intereſted in the premiſes or in any part or parts thereof, ſhall, from and after payment or tender of the money ſo aſſeſſed and adjudged be to all intents and purpoſes, divested of all right, title, claim, intereſt, or property of, in, or to the ſame.

The price adjudged by a Jury to be paid.

The adjudication of a Jury to be final and concluſive.

Article 30th. If any perſon or perſons ſhall be intitled, either in reverſion or remainder, to any ſuch Premiſes, the money, ſo to be awarded as a ſatisfaction in manner hereinbefore mentioned, ſhall go and be ſettled to the ſame uſe or uſes as the ſame premiſes were for which ſuch money ſhall be paid; unleſs ſuch perſon, ſo intereſted, ſhall conſent to give up ſuch intereſt; the charge of the conveyance of the ſame to be defrayed by the ſaid Court from the county funds.

The mode of compenſation to thoſe entitled in remainders reverſions preſented.

Article 31ſt. In all and every caſe, wherein diſputes may ariſe, and different claims and titles may be ſet up to any of the Lands, Houſes, Tenements or Hereditaments, which the Court of Petty Seſſions may find it neceſſary to purchaſe for carrying into execution the purpoſes of this Rule, Ordinance and Regulation; the ſum or ſums of money which ſhall be aſſeſſed and adjudged, in manner aforementioned, to be the value of ſuch premiſes, ſhall be paid into the hands of the Accomptant general of the Court of Recorder for the uſe and benefit of ſuch perſon or perſons, as ſhall or may appear entitled thereto, by any decree or judgement of the ſaid Court of Recorder.

The purchaſe money to be paid to the Accountant General to the Recorder's Court, in caſe of diſputed claims to the property ſubject to the deciſion of that court.

Article 32d. In caſe any part of the land, conſtituting the ſtreets or roads on the Iſland, beyond the limits of the Town of Bombay, ſhall

Lands contiguous to Street and Roads be

become

coming uſeleſs for public highways to revert to the Company.

become uſeleſs and unneceſſary, for the purpoſes of a common or public highway, it ſhall revert to the Honorable Company, and be taken poſſeſſion of accordingly by the Collector of Bombay.

ARTICLE 33d. For the ſummoning and returning of ſuch Jury or Juries as before named the Court of Petty Seſſions are hereby empowered, from time to time to iſſue their warrant or warrants, to the ſaid Sheriff of the Town of Bombay, thereby requiring him to impannel, ſummon, and return an indifferent Jury of twenty four perſons, being ſubjects reſident in the Iſland of Bombay to appear before the ſaid Court, at ſuch time and places, as in ſuch warrant or warrants ſhall be appointed, of which time and place all parties intereſted ſhall have ten days notice in writing to be given to the ſaid Parties, or left at their dwelling houſe, or uſual place of abode. And the ſaid Sheriff is hereby required to impannel, ſummon, and return ſuch twenty four perſons accordingly; and out of the perſons ſo empannelled, ſummoned and returned, or out of ſuch of them as ſhall appear according to, or upon ſuch ſummons, the ſaid Court ſhall cauſe to be ſworn twelve, who ſhall be the Jury for the purpoſes aforeſaid; nothing herein contained ſhall however authorize the ſaid Court or any perſon or perſons acting by their authority, to take poſſeſſion of any Houſe, Land, Tenement or Hereditaments whatſoever, for which ſuch Jury ſhall have aſcertained the damages to be ſuſtained, and recompence to be given, until the ſaid Court or their officer or officers ſhall have paid or tendered the full ſum or ſums, ſo aſſeſſed, to the perſon or perſons to whom the ſaid Court ſhall have adjudged and ordered the ſame, according to the true intent of this Rule, Ordinance and Regulation, Provided always and be it further enacted that all perſons concerned, ſhall, from time to time, have their lawful challenges againſt any of the ſaid Jury-men, when they come to be ſworn; and the ſaid Court acting in the premiſes, ſhall have power, from time to time, to impoſe any reaſonable forfeiture, not leſs than twenty or more than two hundred Rupees for any one offence, on any of the perſon or perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or ſhall refuſe to be ſworn on ſuch Jury, or to give their verdict, or in any manner wilfully neglect their duty therein contrary to the true intent, and meaning of this Rule, Ordinance, and Regulation, and on any of the perſons who being required to give evidence touching the premiſes, ſhall refuſe

Mode preſcribed for impannelling the Jury and enforcing the attendance of parties Summoned &c.

to

to appear, or appearing ſhall refuſe to be examined or give evidence; which ſaid forfeiture ſhall be, and is hereby made payable to the Court of Petty Seſsions for and on account of the county fund.

Fees for the Sheriff on impannelling the Jury.

ARTICLE 34th And it is hereby ordained that the ſaid Sheriff be allowed for every warrant to his bailiff for the ſummoning every Jury, Ten Rupees and no more; and for every return of a Jury, four Rupees and no more, and for attending the Court of Petty Seſsions on the empannelling every Jury ſixteen Rupees and no more, ſuch fees to be paid by the ſaid Court from the county fund.

Actions brought againſt officers for act done under their Rule to be defended by the Petty Seſsions.

ARTICLE 35th If any actions, ſuit or ſuits, is, are or ſhall be commenced againſt any Magiſtrate or Magiſtrates, Surveyor or Surveyors, Collectors or Collectors, or any other Officer or Officers Agent or Agents, for any act matter or thing committed or done, or which may be committed or done under the authority of this Rule, Ordinance, and Regulation or any other Rule, Ordinance or Regulation that may be framed and made by the Governor in Council and duly regiſtered and publiſhed in the Court of Recorder ſuch actions, ſuits or ſuits ſhall be defended by the Court of Petty Seſsions with the aſsiſtance of the Honorable Company's Law officers; and all coſts and expenſes, thereof ſhall be defrayed out of the monies to be raiſed for the county or in ſuch other manner as the Governor in Council may be pleaſed to direct.

Coſt of ſuit &c. to be defrayed from the county Fund.

13/14

Accompy No 3016

A. D. 1812. Regulation V

No 4 of 14.

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

Received 1st February 1816

# A. D. 1812, REGULATION V.

A REGULATION *for extending certain parts of Regulation* II. 1808, *to the Zillahs of Kaira and Broach*, PASSED *by the Governor in Council on the* 16*th December* 1812, *Correſponding with the* 13*th Margseer Sood Sumbut or Vickramajet Era*, 1869; *Salbahan* 1734; *and* 11*th Zilhuz* 1227 *Hejree.*

WITH the view of expediting the deciſion of civil cauſes depending in the Zillah of Surat, the Judge was empowered, by clauſe third Sec. IV Regulation II. 1808, to grant an extenſion of authority to his Regiſter in reſpect to the amount of the ſuits referrible to him; and by clauſe fourth to veſt the aſſiſtant to the Regiſter with authority to try cauſes of the deſcription and to the amount preſcribed by Section III. Regulation X. 1802, the Judge was moreover empowered by the fifth and ſixth clauſes to appoint a Sudder Ameen or Head Native Referee, and two inferior Ameens or Referees to ſit at the Adawlut on references from the Judge in ſuits of the deſcriptions therein ſpecified. By Section V. the powers conferred by clauſe third Section IV. were alſo granted to the Regiſter in the Zillah at Broach; the

Judge

Judge of which Court was moreover authorized to nominate a Sudder Ameen or Head Native Referee with the like powers, as are deſcribed in clauſe fifth of the laſt mentioned ſection in reſpect to Surat. But the Judicial authority veſted in the aſſiſtant to the Regiſter to the Adawlut at Surat was not granted to the ſame officer at Broach; nor was the Judge at that ſtation empowered to nominate the Inferior Ameens or Referees as provided for in reſpect to Surat by clauſe ſixth Sec. IV. Regulation II. 1808; nor have any of theſe proviſions been rendered applicable to the Zillah at Kaira, in the form preſcribed by Regulation I. 1799. As however, the inducements that led to the extenſion of the Judicial authority as above deſcribed at Surat and Broach apply equally to the Zillah at Kaira; and as it is deſirable that the regulations for the adminiſtration of Juſtice in thoſe Courts ſhould be eſtabliſhed on one uniform ſyſtem; the following rules has been enacted.

II. Clause third, and the ſubſequent clauſes of ſection IV. Regulation II, 1808. and the other proviſions of that Regulation that do not already extend to the Zillah of Kaira, are rendered applicable to that Court.

III, Clauſes fourth and ſixth Section IV. of the ſame Regulation are likewiſe rendered applicable to the Court of Broach.

13/14

Accompg No. 3016

A. D. 1812. Regulation VI

No. 1 of 14

Recived 1st February 1814

# A. D. 1812, REGULATION VI.

A REGULATION *for hearing Appeals from decisions of the Several Zillah Courts; defining the powers and duties of the Court of Appeal and prescribing rules for receiving and deciding upon Appeals and other causes of which it is declared to have cognizance*, PASSED *by the Right Honorable the Governor in Council on the* 15*th of December* 1812 *corresponding with the* 12*th Margseer Sood Sumbut or Vekramajet Era*, 1868; *Salbahan* 1734; *and* 10*th Zulkad* 1227 *Hejry*,

Preamble.

ON the 7th of May 1805, as declared in Clauſe Firſt, Section III. Regulation II. 1805, a Provincial Court of Appeal in civil caſes was inſtituted for the diviſion of Broach, and generally comprehenſive, alſo, of the ſeveral territorial acquiſitions referred to in the Preamble to that Regulation: and it was further directed, by Clauſe Second, Section VI. Regulation II. 1808, that the proceſs of the Court of Appeal was to be conducted in general conformity to the letter and ſpirit of the ſeveral proviſions, in Regulation VII. 1800, ſubject to ſuch further rules as might in this reſpect be paſſed; it being, however, expedient that a ſpecific regulation ſhould be promulgated,

for

for hearing Appeals from the deciſions of the ſeveral Zillah Courts, the following rules have been accordingly enacted.

Conſtitution of the Provincial Court of Appeal.

II. The Provincial Court of Appeal ſhall be compoſed of three Judges, to be ſtyled the firſt, ſecond and third Judge; and every Judge, previous to entering upon the execution of the duties of his Office, is to take and ſubſcribe the following Oath, before the Governor in Council, or any perſon whom he may commission to adminiſter it.

Oath to be taken by the Judges.

"I, A. B. appointed Judge of the Provincial Court of Appeal ſolemnly ſwear, that I will adminiſter juſtice conformably to the Regulations, that have been, or may be paſſed by the Governor in Council; according to the beſt of my ability, knowledge, and judgment; without fear, favor, promiſe, or hope of reward; that I will not receive, directly or indirectly, any preſent, or nuzzer, either in money or effects of any kind, from any party or perſon whomſoever, on account of any ſuit to be inſtituted, or which may be depending, or has been decided in the Court of Appeal, of which I am appointed a Judge; that I will not knowingly permit any perſon or perſons under my authority, or in my immediate ſervice, to receive, directly or indirectly, any preſent, or nuzzer, in money or effects of any kind from any party or perſon whomſoever, on account of any ſuit, to be inſtituted, or which may be depending, or has been decided in the Court; that I will render a true and faithful account of all ſums of money that may be paid into the Court or diſburſed from it; that I will not be concerned, directly or indirectly, in the purchaſe of goods or commodities in the Britiſh dominions under the Preſidency of Bombay, for the purpoſe of remitting money to Europe; or in any commercial tranſaction and that I will not derive, directly or indirectly, any emoluments or advantages from my ſtation excepting ſuch as the orders of Government do or may authorize me to receive.

"So help me God."

III.

III. The jurisdiction of the Provincial Court of Appeal is to extend over the Zillahs of Salsette, Surat, Broach and Kaira.

Jurisdiction of the Court.

IV. The Court is to be held in a large and convenient room, three days in every week, or oftener, if the business shall require it; and no rule, order, proceeding or decree is to be made but on Court days, and in open Court.

Courts to be held in a large room, three days in each week, or oftener if necessary.

No decree, order, &c. &c. to be made, but on Court days, and in open Court.

V. The Provincial Court of Appeal is to use a circular seal of two inches in diameter, with an inscription to the undermentioned effect, in the Persian and Guzerattee languages:—"The seal of the Provincial Court of Appeal."

Seal of the Court.

VI. The Provincial Court of Appeal is empowered to try and determine, in the first instance, any suit or complaint, or any matter whatever of a civil nature, which may be transmitted to them for that purpose by the Sudder Adawlut; and to order the decree which they may pass to be executed, by the Judge of the proper Zillah Court, in the same manner as the decrees of the Zillah Courts are directed to be enforced.

Provincial Court to try cases referred to them by the Sudder Adawlut; and to order their decrees to be enforced by the Zillah Courts.

VII. The Provincial Court of Appeal is empowered to receive any original Suit, or complaint, which may be cognizable in any Zillah Court within its jurisdiction, and to command the Judge of such Zillah Court, by a precept, under the Seal of the Court and attested by the Register, to receive the suit or complaint; and to proceed to hear and determine it; provided, proof shall be previously made to their satisfaction, that the Judge refused, or omitted to receive or proceed in it. If the Plaintiff shall refuse or neglect to proceed in the suit or complaint, for the space of six weeks, after the order of the Provincial Court of Appeal may be received by the Zillah Court, the Judge is authorized to dismiss it; notwithstanding the order of the Provincial Court of Appeal. In such cases, the Judge, within one week after the dismission of the Suit, is to certify, to the Provincial Court of

Cases in which the Provincial Court of Appeal are empowered to refer original Suit to the Zillah Courts to be tried and determined.

Suits or complaint to be dismissed, if the party preferring it, shall omit or refuse to proceed in it for six weeks.

Judge to notify the dismission of the Suit to the Provincial Court.

of Appeal, under his hand and the Seal of the Court, that the ſuit or complaint has been dismiſſed, and the grounds of the dismiſſion.

Caſes in which the Provincial Court may receive petitions reſpecting ſuits, or matters depending, or which may have been decided in any Zillah Court.

VIII. The Provincial Court is empowered to receive any Petitions reſpecting ſuits, or matters that may be depending, or have been decided in any Zillah Court within its juri diction; and provided it ſhall be proved, to the ſatisfaction of the Court that the Petition was preſented, or that due means were uſed to effect its being preſented, to the Judge, and that he refuſed or omitted to receive it, and proceed on it; or, in the laſt mentioned caſe, that undue means were uſed by any of the Officers of the Court, to prevent the Petition being preſented; the Court is empowered to iſsue a precept under the Seal of the Court, and atteſted by the Regiſter, commanding the Judge to receive the Petition, and to proceed reſpecting it, according to the regulations.

Provincial Court how to proceed with ſuch petitions.

Court of Appeal not to correſpond with parties in Suits, or any perſon reſpecting matters cognizable in the Court.

IX. The Provincial Court of Appeal is prohibited correſponding by letter with parties in ſuits or proceſs, or matters, depending before the Court or coming within its cognizance. If a party in a ſuit, or any perſon amenable to the jurisdiction of the Court ſhall have any matter to repreſent to the Court, he is either to appear in in the court, in perſon, and repreſent the matter in writing; or make the repreſentation in writing, through an authorized Vakeel. The Court is to paſs whatever order, upon the repreſentation, may appear proper to the Court, conſiſtently with the regulations; and to cauſe a copy of the order to be delivered to the perſon making the repreſentation; or to his Vakeel, under the ſeal of the Court, and atteſted by the Regiſter. The Provincial Court of Appeal is alſo prohibited correſponding by letter with the Judges of the Zillah Courts, reſpecting any cauſe or matter before the Court or upon any matters whatever, on which the Court may not be ſpecially empowered

Provincial Court of Appeal prohibited correſponding by letter with the Judges of the Zillah Court.

powered ſo to correſpond. When the Court ſhall have occaſion to iſſue an order, to the Judge of any Zillah Court; or require information of any ſuit or matter before it, the Court is to iſſue a precept, under it's ſeal and the ſignature of the Register, commanding the Judge to execute the order; or requiring him to furniſh the information; and the Judge to whom the precept may be directed, is to perform the exigence of it, or return good and ſufficient reaſon why he has not done it.

Provincial Court of Appeal empowered to receive charges of corruption which may be preferred to them againſt the Judges of Zillah Courts.

Rules to be obſerved in receiving ſuch charges.

X. If any perſon ſhall charge the Judge of a Zillah Court, before the Provincial Court of Appeal with having been guilty of corruption in oppoſition to his oath; the provincial Court is to receive the charge, and forward it to the Sudder Adawlut; provided, the complainant ſhall previouſly make oath to the truth of the charge; (or ſubſcribe the required declaration, if he ſhall be of the deſcription of perſons whom the Court is empowered to exempt from taking oaths) and give ſecurity in whatever ſum the Court may judge proper, to appear and proſecute the charge when required. Unleſs the complainant ſhall take the oath, or ſubſcribe the abovementioned declaration, and give the required ſecurity, the Court is not to receive the charge. In all other caſes, not expreſsly provided for in this regulation, in which it ſhall appear to the Provincial Court of Appeal, that the Judges of the Zillah Courts, have been guilty of negligence, or miſconduct, in the diſcharge of their duty; the Court is to report the circumſtances to the Sudder Adawlut.

Provincial Court to report to the Sudder Adawlut caſes of miſconduct or neglect in the Judges not expreſsly provided for by this regulation.

By what rules the Provincial Court is to proceed in caſes referred to it for trial in the firſt inſtance, and in appeals preferred to the Court from the deciſions of the Zillah Courts.

XI. In ſuits or complaints which may be tranſmitted by the Sudder Adawlut, to be tried and determined by the Provincial Court of Appeal; and alſo in appeals from the deciſions of the Zillah Courts, (except as to hearing witneſſes and receiving evidence) the Provincial Court is to proceed in the ſame manner, and with the like powers and authority, and ſubject to the

the ſame reſtrictions, limitations and exceptions, as are preſcribed to the Zillah Courts.

Perſons deeming themſelves aggrieved by the deciſions of any Zillah Court, at liberty to appeal in certain caſes to the provincial Court of Appeal.

To whom the petition of Appeal is to be firſt preſented.

XII. *Firſt.* Whoever ſhall conceive himſelf aggrieved by the deciſion of a Zillah Court, in any caſe wherein an appeal may be competent, is permitted to appeal againſt it, by Petition to the Provincial Court of Appeal. Where an appeal is intended ſuch appeal ſhall be preſented, in the firſt inſtance to the Zillah Court, in which the decree appealed againſt, may have been paſſed. The Judge of the Zillah Court ſhall on the next Court day, or as ſoon afterwards as may be practicable, admit the ſame; under the conditions in that reſpect preſcribed.

What the Petition of Appeal is to contain.

*Second.* The Petition is to ſtate, (reſpect being had to the matter decreed) the annual produce of the lands; whether lakeraje, or malguzary; the ſum of money; or the value of the property which may be decreed; the name of the perſon in whoſe favor the decree may be given; the Court in which it may have been paſſed; when it was made; what was decreed by it, and whether the decree has been executed; and is to aſſign ſome cauſe, ſpecial or general, for appealing from the deciſion. The amount adjudged by the Zillah Court, againſt the party, deſiring to appeal; or the amount of his claim diſallowed by the decree from which may be deſirous to appeal, ſhall be the ſtandard for determining his right to appeal; under the limitations preſcribed by the regulations.

What ſhall be the Standard for determining the right to Appeal.

What the petition of Appeal is to be accompanied with.

*Third.* The Petition is to be accompanied with an atteſted Copy of the decree of the Zillah Court; or by a written declaration, ſigned by the party deſirous to appeal, or his Vakeel, that ten days after the deciſion was paſſed, he applied to the Judge of the Court for a copy of the decree, and was denied it.

Period limited for preferring Appeals.

*Fourth.* The Petition is to be preſented to the Court in which the decree appealed againſt may have been paſſed; with-

in

in three calendar months after the day on which the decree may be delivered to the parties viz. within ten days after the decree may have been paſſed in open Court. But it ſhall nevertheleſs be permitted to ſuch perſon, to prefer his Petition of Appeal after the expiration of the three months; and the Court is authoriſed to admit the appeal, provided the Petitioner can ſhow juſt and reaſonable cauſe to their ſatisfaction, for not having preferred it within the limited period. But whenever the Court ſhall admit an appeal which may be preferred after the limited time, they are to enter upon the record of the trial, their reaſons at large for admitting the Appeal.

Caſes in which the provincial Court may admit appeals after the limited time.

Court to record their reaſons for admitting an appeal after the limited time.

*Fifth.* In all authoriſed caſes of Appeal from the decrees of the Zillah Court to the Provincial Court, the Court in which the decree appealed from may have been paſſed, ſhall ſuſpend the execution of it during the Appeal; provided the party, againſt whom the decree may have been paſſed, ſhall, at the time of preferring his appeal, or within ſuch reaſonable period afterwards, as may be fixed for the purpoſe, deliver the ſecurities required by this and the next following clauſe; viz. if the decree be for a zemindarry, talook, or other land, or for a houſe or other real property, good and ſufficient Security in a ſum equal to one year's produce thereof; and in all other caſes, good and ſufficient ſecurity in an amount equal to the ſum of money, or value of the thing decreed; for the performance of the decree, which may be paſsed upon the Appeal.

Execution of decrees Appealed from to be ſuſpended during the Appeal under the preſcribed ſecurity.

*Sixth.* In all authoriſed caſes of Appeal, the party deſirous of appealing, is, with his Petition of Appeal, to deliver good and ſufficient ſecurity for the payment of the coſts that may be awarded on the Appeal, including the fees of his pleader, in caſe he ſhall intend to employ any on his Appeal. Without ſuch ſecurity; or without proof of inability to find the ſame, as required with reſpect to paupers by Regulation X. 1802, no Appeal

Parties deſirous of appealing to deliver good ſecurity for the coſts that may be awarded on the Appeal, including fees of pleaders.

No Appeal to be admitted without ſuch ſecurity.

Preſenting a petition of Appeal, without the required ſecurity declared not to preſerve the right of Appeal.

Appeal ſhall be admitted. It is hereby declared, that the preſenting a petition of Appeal, without the ſecurity required by this clauſe, before the expiration of the time limited for appealing, ſhall not be conſidered as preſerving to the appellant his right of Appeal; as far as reſpects the limitation in queſtion.

But a party declaring his intention to proſecute his appeal in perſon, may afterwards appoint an authoriſed pleader, with ſeparate ſecurity for his fees.

Provided however, that if a party appealing, who may declare his intention to proſecute his Appeal in perſon, ſhall afterwards be deſirous to appoint an authoriſed Vakeel to act for him; and with his petition to this effect, or the vukaluhramah appointing ſuch Vakeel, ſhall deilver good and ſufficient ſecurity for the fees of ſuch pleader, in addition to the ſecurity for coſts before delivered by him; ſuch further ſecurity ſhall be admitted, and nothing in this regulation ſhall be underſtood to effect the right of Appeal in ſuch caſes. But no pleader ſhall, in any inſtance, be allowed to act, in any Court, until ſecurity has been given for his eſtabliſhed fees, except under the proviſions for paupers.

And nothing in this ſection to affect the right of Appeal in ſuch caſes. No pleader however to act in any Court until ſecurity has been given for his fees; except under proviſion for paupers.

*Seventh.* When the ſecurities above required ſhall have been entered into, the Judge of the Zillah Court is immediately to endorſe on the Petition in his own hand writing, the day of the month, and year in which it was preſented; and ſign it with his name, and cauſe to be written in the margin of the record, immediately oppoſite to the decree of the Court, the word "Appealed;" and tranſmit the Petition to the provincial Court of Appeal. The Court is, at the ſame time, to direct notice, in writing, to be given to the appellant, that within fifteen days, the proceedings held in the cauſe appealed, will be certified to the Provincial Court of Appeal: and that if he ſhall not proceed in the appeal, within ſix weeks, after the petition of Appeal ſhall have been filed in the provincial Court, his appeal will be diſmiſſed; unleſs he ſhall ſhew reaſonable cauſe to the ſatisfaction of the Provincial Court for not having proceeded in it.

When the appellants have entered into the ſecurities required, the Judge is to make the endorſement herein required on the petition; & To tranſmit it to the Provincial Court of Appeal.

To notify to the appellant that the proceedings will be certified to the Provincial Court, in fifteen days.

And that if he ſhall not proceed in the Appeal, in ſix weeks from the date of the petition being filed in the provincial Court, it will be diſmiſſed.

*Eighth.*

*Eighth.* Nothwithſtanding the appellants, in cauſes depending before the Provincial Court of Appeal, may have entered into the ſecurities required of them by the above clauſes in this ſection; the Court is further authoriſed in caſes, wherein from delay in the deciſion, the ſecurities originally ſo given may afterwards appear inſufficient, (in reſpect to the period of time the cauſe has been pending or is likely to remain ſtill undecided) on the application of the reſpondent or reſpondents in all ſuch caſes, to require any additional ſecurity which the Court may deem neceſſary to ſecure the party who may have obtained a judgment in his favor, from any loſs by the non-execution of ſuch judgment during the appeal, and in default of ſuch further ſecurity being given within a reaſonable period, to be fixed for that purpoſe, the Court is empowered to direct the judgment in queſtion to be carried into execution; in like manner as if no ſecurities had originally been given by the appellant; provided, that in ſuch caſes good and ſufficient ſecurity, as preſcribed by the Regulations, be given by the reſpondent, previous to his being put in poſſeſſion of the property in litigation. The ſupplemental ſecurity required in this clauſe, as neceſsary to maintain a depending Appeal, is carefully to be diſtinguiſhed from the ſecurities, originally, neceſsary to warrant the cauſe being appealed. The ſupplemental Security being only demandable by the Provincial Court, after a lapse of time; the original ſecurities being requirable by the Zillah Court previous to the petition of Appeal being admitted.

Court of Appeal may in particular caſes require further ſecurity during appeals, if on application of the parties, the ſecurity taken appear inſufficient.

In default of ſuch further ſecurity being given by appellants the judgment to be executed.

Provided the preſcribed ſecurity be given by the reſpondent.

*Ninth.* As caſes may occur, wherein neither the appellant or the reſpondent may be able to give the preſcribed ſecurities for ſtaying the execution of the decree; or for the execution thereof in favor of the Plaintiff, it is hereby enacted, that in all ſuch caſes, the property adjudged, ſhall be held in attachment during the Appeal, or until ſuch time as one of the parties

Proviſions for caſes wherein neither the appellant nor reſpondent may be able to give the preſcribed ſecurities.

The Collectors; hold the adjudged property in attachment, in ſuch caſe.

ties may be able to give the required ſecurities, by the Collector of the diſtrict wherein the land may be ſituated, at the expence of the party who may be ultimately declared entitled thereto; under the proviſions in that reſpect eſtabliſhed. No attachment, however, is to be made by any Collector in the caſes herein ſuppoſed, until he ſhall receive a precept, requiring him to make the ſame, from the Zillah Court wherein the original judgment in the cauſe may have been paſsed: which precept ſhall ſtate, ſpecifically the property to be included in the attachment, and ſhall require the Collector to continune the ſame till ordered to be withdrawn by a further precept from the Court; to be iſsued either on the preſcribed ſecurities being given by one of the parties, or on the cauſe being finally determined.

Zillah Courts on rejecting a Petition of Appeal to the provincial Court, to furniſh appellant with a copy of their order for ſuch rejection.

And appellant at liberty to preſent his Petition of Appeal to the Provincial Court under the reſtrictions preſcribed.

*Tenth.* Where a Petition for an Appeal to the Provincial Court ſhall be rejected, on whatever ground, by a Zillah Court; ſuch Court ſhall, on the Court day next enſuing, or as ſoon afterwards as may be practicable, cauſe the appellant to be furniſhed with a copy of their order for rejecting the Appeal: and the appellant, ſhall be ſtill at liberty to preſent his Petition of Appeal to the provincial Court, in the mode, and under the reſtrictions preſcribed by this Section; provided, that ſuch Petition ſet forth the previous application made to the Zillah Court; and the rejection of the Appeal by that Court; and be accompanied by a copy of the order of rejection, or by a declaration, that ſuch copy was applied for, ten days after the ſame was paſsed, and not obtained.

Where the appellant does not comply with the rules of Appeal, decree to be executed.

*Eleventh.* Where the party deſiring to Appeal ſhall neglect, or refuſe, to enter into the ſecurities, in the manner, preſcribed in this Section, the Court, by whom the deciſion may have been paſsed, is to order the decree to be executed.

Rules for authorizing the Provincial

*Twelfth.* In all caſes wherein an Appeal may lie under the exiſting

existing Regulations to a Zillah Court, from the decision of the Register, Assistant Register or Native Commissioners, and in which the Zillah Court may have refused to admit the Appeal, on the ground of delay, informality, or other default in preferring it; or after having admitted the Appeal, may dismiss it on the ground of some default, without investigating the merits of the cause; it shall be competent to the Provincial Court to receive an Appeal from the order or dismissal of the Zillah Court; whatever may be the amount or value at issue in the cause; provided such Appeal be preferred in conformity to the rules prescribed with regard to other Appeals to the Provincial Court; and if it shall appear to that Court, on examination of the proceedings of the Zillah Court, that the Appeal was rejected, or dismissed by the latter, on insufficient grounds, it may order the Zillah Court to receive the Appeal; or to revive it, if received and dismissed; and to try and determine the Cause upon it's merits according to the Regulations. Provided further, however, that if such Appeals shall on enquiry be found groundless and litigious, the Provincial Court shall in all such instances, punish the litigious appellant as authorized by the Regulations, in other cases of litigious Appeal; viz. by a fine to Government, proportionate to the condition of the party, and to the circumstances of the case.

Courts to take cognizance in certain cases of Appeals which the Zillah Court may have refused to admit, or dismiss'd without investigation.

Provision respecting litigious appeals.

XIII. The Judge of the Zillah Court, within fifteen days after the receipt of the Appeal, is to certify under his hand, and the seal of the Court, to the Register of the Provincial Court of Appeal, the record duly made up, and authenticated; including the original complaint, answer, replication, and rejoinder of the parties; the original depositions, exhibits, and every original paper read in the cause. Previous to transmiting the abovementioned papers to the Provincial Court of Appeal, he is to cause true and faithful copies of all the originals, authenticated by the Seristadar, or head native officer of the Court,

Record including original papers in the Cause appealed to be transmitted to the Register to the Provincial Court in fifteen days after the receipt of the Appeal.

Copies of all the original papers transmitted attested by the Seristadar, to be deposited amongst the records of the Court.

Court, to be made out and depoſited in the Zillah Court, in lieu of the originals. The copies are to be deemed records of the Court; and are to be received in evidence in any other Zillah Court. In caſes where any original depoſition, or other original proceedings or matter whatſoever ſhall have been previouſly entered in any Zillah Court, in any book, which may likewiſe contain proceedings in other diſtinct cauſes; or any other matter, ſo that ſuch original papers cannot be tranſmitted to the Provincial Court of Appeal without the other proceedings or matters; the Judge of the Zillah Court, within the time, and in the manner before directed, is to certify a true and authentic Copy of ſuch original papers, and that the original of each Copy tranſmitted, is ſo entered in ſuch book. But he is nevertheleſs to tranſmit the original complaint, the original anſwer, or other ſeparate pleadings of the parties, and the original exhibits which ſhall have been delivered in, or produced by the parties, and read in the courſe of the cauſe before the Court, if they be forthcoming, in the manner before required. In caſes where any original paper ſhall have been miſlaid or loſt, and a Copy of it ſhall have been entered in any book, or proceedings, the Copy is to be deemed the original; and the Judge is to tranſmit a Copy of it to the Provincial Court of Appeal; and in like manner, to certify, and that the original after due ſearch cannot be found.

Copies to be deemed records and to be received in evidence Copies of original papers to be ſent to the Provincial Court, where the originals cannot be ſent for the reaſons herein ſpecified.

Recorded copies of original papers not forthcoming to be deemed the originals, and copies of them to be forwarded and certified as herein required.

XIV. *Firſt.* In all inſtances wherein the Plaintiff, in a Zillah Court, may obtain a judgment in his favor for land, or other real property; and the defendant appealing therefrom to the Provincial Court, may be left in poſſeſſion of the property, under the ſecurity preſcribed by the regulations; any private tranſfer of ſuch property by ſale, gift, or other wiſe or any mortgage thereof which might be made by ſuch appellant during the Appeal to the Provincial Court; or during a further Appeal to the Court of Sudder Adawlut, or the King in Council would, in the event

Any private tranſfer or mortgage of land, or other real property, during Appeals, declared null and void, in the event of the judgment againſt ſuch property being confirmed on the Appeal.

event of the judgment againſt him being confirmed on the Appeal, be of courſe, and is hereby declared to be, null and void: but as Malguzary lands (lands aſſeſſed with the public Revenue) are, in all caſes, by whomſoever poſſeſſed, held anſwerable for the public Revenue aſſeſſed thereon; and as according to the general rules eſtabliſhed for the collection of the public Revenue, ſuch lands, and alſo Lakheroye lands and other property appertaining to the ſame eſtate, may become liable to ſale by Government from the neglect of the party in poſſeſſion to diſcharge the Revenue due therefrom; by which ſale, in caſes of Appeal, the party to whom the property of the lands is ultimately adjudged, might, notwithſtanding be deprived of it, unleſs he purchaſed the ſame at the public ſale; to obviate all doubt reſpecting the right of the party making the purchaſe in ſuch caſes, it is hereby declared, that whenever any land or other property, for which a judgment may have been obtained in any of the eſtabliſhed Courts of juſtice, but which, during an Appeal from ſuch judgment by the party caſt, may be left in the poſſeſſion of the appellant, ſhall, while ſuch Appeal is pending or before the ultimate judgment thereon be put in execution, be ſold by Government, to make good an arrear of the public Revenue due from the appellant; and ſhall be purchaſed by the reſpondent; the party ſo purchaſing, in the event of ſuch property being finally adjudged to him on the Appeal, ſhall be entitled to recover from the appellant, ſo left in poſſeſſion, the full amount of his purchaſe money; and of all expences attending the purchaſe ſo made by him, with intereſt thereon at the rate of twelve per Cent per Annum; in addition to any other ſum which may be adjudged due to him on account of the profits ariſing from the land, or other property in queſtion, anterior to the ſale. It is further declared, that in the caſe above ſuppoſed, if the reſpondent ſhall not have purchaſed the land; or other property, ſold by Government to make good an arrear of public Revenue due from the appellant left

Proviſion for the public ſale of the property adjudged, in ſuch caſes, on account of the public aſſeſſment.

Right of reſpondent in ſuch caſes, who may purchaſe the property ſold by Government, and ultimately adjudged to him on the Appeal.

Right of reſpondent in ſuch caſes, who may not purchaſe the property ſold by Government and ultimately adjudged to him on the Appeal.

left in poſſeſſion thereof; and if the ultimate judgment on the Appeal be in favor of ſuch reſpondent, he ſhall be entitled to recover from the appellant left in poſſeſſion, the amount of the purchaſe money, paid for the property ſo ſold, and adjudged to the reſpondent, with intereſt thereon, at the rate of twelve per Cent per Annum; in addition to any other ſum which may be adjudged to him, on account of the profits, ariſing from the property ſo ſold anterior to the ſale of it: unleſs the property in queſtion ſhall have been, directly, or indirectly, purchaſed by the appellant himſelf, or on his behalf, at the public ſale; in which caſe, on clear proof thereof being made by the reſpondent to whom ſuch property may be ultimately adjudged, he ſhall be entitled to the poſſeſſion thereof; and to all profits ariſing therefrom, as may be directed by the decree in the caſe, notwithſtanding the fictitious ſale ſuppoſed.

Principles of the preceding Clauſe and Clauſe Eighth Section XII. declared to extend to all ſimilar caſes, whether the original plaintiff, or defendant, or the appellant, or reſpondent, be left in poſſeſſion of the property during an Appeal to the Provincial Court, or to the Sudder Adawlut or to the King in Council.

*Second.* The principles of the rules contained in the preceding Clauſe, and in Clauſe Eighth, Section XII. of this Regulation, are to be conſidered equally applicable to caſes, in which the Plaintiff in a Zillah Court may be put in poſſeſſion of land; or other property adjudged to him, during an Appeal in conſequence of the defendants failing to give the Securities preſcribed and, generally to all caſes, in which the poſſeſſion of property may be transferred by the decree of any Court of juſtice; from which decree an Appeal may be depending in a ſuperior Court, whether a Provincial Court of Appeal; or the Court of Sudder Adawlut; or the King in Council.

All proceſs of the Provincial Court of Appeal (with the exception herein ſpecified) to be iſſued through the Zillah Court.

XV. All proceſs, both to parties and witneſſes, and every rule or order for the execution of a decree or final order; and every other order whatever, which may iſſue from the Provincial Court of Appeal; whether originating with the Provincial Court, or iſſued purſuant to orders from the Sudder Adawlut; is to be written or printed in the perſian language; and lan-

guage

guage of the diſtrict; in which the Court may be held, and ſealed with the ſeal of the Provincial Court, and ſigned by the Regiſter. All ſuch proceſs, rules, and orders, which are to be ſerved or executed on any parties, witneſſes, or perſons, (excluſive of the parties, vakeels, or perſons in actual attendance on the Court) are to be directed to the Judge of the Zillah Court in which the cauſe of action ſhall originally have ariſen; or in whoſe jurisdiction the lands may be ſituated; or the parties may be, or reſide. Every ſuch proceſs, rule, and order, is to limit a certain time in which it is to be ſerved, executed, and returned to the Provincial Court of Appeal. If a Judge of a Zillah Court, to whom any proceſs, rule, or order whatever may be directed, ſhall, wilfully, diſobey or neglect to perform the commands contained in it, or make a falſe return; the Provincial Court is poſitively enjoined to report immediately ſuch diſobedience, neglect, or falſe return, to the Sudder Adawlut; and the Judge ſo offending ſhall be liable to be ſuſpended from his office by the Sudder Adawlut. If the Sudder Adawlut ſhould ſuſpend the Judge, they are to notify the ſuſpenſion to the Governor in Council, within ten days after it may take place; together with the cauſe of it; and certify under the ſeal of the Court, the proceedings, depoſitions, and exhibits and all other matters which may be neceſsary to enable the Governor in Council to paſs a determination upon the ſuſpenſion; and to tranſmit to him on his requiſition, any further papers and proceedings reſpecting the Cauſe, which he may deem neceſsary for his information.

Provincial Court of Appeal enjoined to acquaint the Sudder Adawlut whenever the Zillah Courts refuſe or omit to obey or to conform to their proceſs or requiſitions.

Judges of the Zillah Courts liable to be ſuſpended by the Sudder Adawlut for ſuch offences.

Sudder Adawlut to report to the Governor in Council the ſuſpenſion of Judges under this article within ten days.

XVI. In all caſes in which proceſs either to a party or witneſs, and all proceſs whatever, and every rule or order for the execution of any decree or final order; or any order relating to a cauſe depending in the Provincial Court of Appeal, which may be directed by ſuch Court to the Judge of a Zillah Court; the Judge to whom the proceſs may be directed, is to execute the

Proceſs of the Provincial Court how to be ſerved by the Judges of the Zillah Courts.

To return the proceſs executed or reaſons why it has not been executed.

the order contained in the proceſs, rule, or order; and return it ſo executed within the time limited; or return to the Provincial Court good and ſufficient reaſon why it has not been ſerved or executed. When any proceſs, rule, decree, order for the execution of any decree or final order, or any order, whatever, ſhall be tranſmitted by the Provincial Court of Appeal, to the Judge of a Zillah Court to be ſerved or executed; the return to ſuch proceſs, rule, order, or decree, is to be made by the Judge of the Zillah Court, either by endorſement on the proceſs, rule, order, or decree; or to be written on a paper firmly annexed to it; and, if the return be made in the laſt mentioned manner, there is to be an endorſement on the proceſs, rule, order or decree, referring the Provincial Court of Appeal to the return contained on ſuch annexed paper; and the Judge is to cauſe a copy of the proceſs, rule, or order or decree, together with the return to it, to be depoſited amongſt the records of his Court. And in all caſes, in which the Provincial Court of Appeal ſhall tranſmit any order, or proceſs to be ſerved, or executed by the Judge of a Zillah Court againſt a party in a Cauſe; and the party on whom it is to be ſerved or executed, is not, after diligent ſearch, to be found; or ſhall have abſconded, or ſhut himſelf up in his own, or any houſe or building; or retired to any place ſo that the proceſs cannot be ſerved upon him; the Judge, to whom the proceſs is directed, is to cauſe to be ſtuck up, in ſome conſpicuous part of the room in which the Court may be held, a writing, in the Perſian language, and language of the diſtrict in which the Court may be held; containing a copy of the order or proceſs, and a notice that if the party ſhall not obey the exigence of it within the time limited, the Provincial Court of Appeal will, without further notice, proceſs, or order, proceed, ex parte, to hear, try, and determine the cauſe, to which ſuch proceſs or order may relate; and the Judge is likewiſe to cauſe a copy of ſuch writing to be ſtuck up, with all practicable diſpatch, on the outer door of the houſe in which the

Form and manner in which the return is to be made.

Judge to cauſe a copy of the proceſs and return to be depoſited amongſt the records of the Court.

Judge how to proceed in caſe any ſuch proceſs cannot be ſerved upon the party, in conſequence of his abſconding or otherwiſe avoiding it.

Judge to fix up a writing in his Court room and at the place of reſidence of the party.

What the writing is to contain.

the party may have uſually dwelt; or in ſome conſpicuous place in the village in which he may have uſually reſided; and to return to the Provincial Court of Appeal, in the manner before directed, how he has executed the proceſs.

Provincial Court to proceed exparte when the Zillah Courts ſhall report that a party has abſconded, or was not to be found after the forms herein directed have been obſerved.

XVII. If the Judge of a Zillah Court to whom any proceſs, rule or order of the Provincial Court of Appeal may be tranſmitted that it may be ſerved, or executed on any party; ſhall return that the party has abſconded, or ſhut himſelf up in his own, or any houſe or building; or retired to any place, ſo that the proceſs could not be ſerved upon him; or was not after diligent ſearch to be found; and that he had cauſed the writing to be fixed up, in the places and manner directed; and the party ſhall not appear, and obey the exigence of the proceſs, rule, or order; the Provincial Court is to proceed, expaɔte, to try and determine the cauſe in which the proceſs, rule or order, ſhall have iſſued; in the ſame manner as if the party had appeared and obeyed the exigence of the proceſs.

Caſes in which the provincial Court of Appeal is empowered to take new evidence in Appeals, or to refer them back for further evidence to the Zillah Courts.

XVIII. The Provincial Court of Appeal is empowered in caſes of Appeals, in which it ſhall appear to it that the original ſuit has not been ſufficiently inveſtigated in the Zillah Court; or for any other cauſe that may be deemed reaſonable by the Provincial Court; either to receive ſuch further evidence as the Court may think neceſsary, for the juſt determination of the ſuit and give judgment upon it; or, to refer the ſuit back to the Zillah Court in which it originated, accompanied by ſuch ſpecial directions to the Judge, with regard to the new evidence he is to receive reſpecting it, as may be deemed by the Court moſt conducive to juſtice, and the convenience of the parties and witneſses. But in every caſe in which the Provincial Court may exerciſe the power above veſted in it by this ſection, the Court is to enter upon the record of the trial, its reaſons, for having exerciſed it. In caſes in which the Court

Provincial Court to ſtate their reaſons upon the record of the trial whenever they may exerciſe the powers above veſted in them. Court empowered to hear evidence

may

In the cases above ſpecified viva voce, or to order their Regiſter to take it.

may judge it proper to receive ſuch further evidence themſelves, the Court is empowered, according as the Court may deem moſt conducive to juſtice (reſpect being had to the nature of the cauſe and the evidence) either to examine the witneſſes to be produced, viva voce, in open Court; cauſing the witneſſes to be firſt ſworn, and their depoſitions to be reduced into writing, and ſigned by the deponents reſpectively; or to authorize their regiſter to ſwear the witneſſes and take their depoſitions; and to cauſe the deponents to ſign them, and to authenticate them with his ſignature. The Regiſter in ſuch caſe is to examine the witneſſes in the preſence of both parties, or their vakeels, who are to be at liberty to put any queſtions to the witneſſes that they may think proper; and the queſtions with the anſwers to them, are in the ſame manner to be reduced into writing, ſigned and authenticated. But if due notice be given to the parties, or their vakeels, of the examination of any witneſs or witneſſes before the regiſter, and he or they ſhall not attend at the time of the examination, the regiſter is to proceed in the examination as before directed, and the depoſitions are to be received as good and authentic evidence.

Caſes in which the Provincial Court may diſpenſe with the Oaths of witneſſes.

XIX. The Provincial Court of Appeal may diſpenſe with the Oaths of ſuch deſcriptions of witneſſes as the Zillah Courts are authoriſed to exempt from taking of Oaths, on their ſigning the declarations in open Court, which are required to be ſubſcribed by ſuch witneſſes in the Zillah Courts. Where witneſſes may be women of the deſcription ſpecified in Section VI. Regulation IV 1799 and by the ſame Section of Regulation II. 1800 or ſhall reſide out of the juriſdiction of the Court, the Court may grant ſuch commiſſions as the Zillah Courts are authoriſed to grant for the examination of ſuch witneſſes, upon ſimilar occaſions. And the Provincial Court of Appeal may iſſue ſuch commiſſions to creditable women; and ſend ſuch letters to the Judges of the Zillah Courts for the examination of

Or direct their evidence to be taken by commiſſion.

witneſſes

witneſses, in the caſes in which the Judges of the Zillah Courts are authoriſed to ſend ſuch commiſſions and letters.

Provincial Court how to proceed where witneſses do not attend, or refuse to be Sworn or to give Evidence, or ſign their depoſitions, or any perſons are guilty of contempt of Court, or perjury.

XX. If a witneſs duly ſummoned ſhall not attend, or attending ſhall refuſe to be ſworn or give evidence; or to ſubſcribe his depoſition; or if ſuch witneſs or any perſon ſhall be guilty of wilful or corrupt perjury in a cauſe depending in the Court; or any contempt of Court in open Court; the Provincial Court of Appeal is to proceed with ſuch witneſs, or perſon, in the ſame manner as the Zillah Courts are authoriſed to deal with witneſses or perſons in like manner offending.

Court to diſmiſs Appeals if the appellants omit to proceed in ſix weeks without ſhewing ſufficient cauſe for the omiſſion.

XXI. If the Appellant in an Appeal, filed in the Provincial Court of Appeal, ſhall not proceed in the Appeal for ſix weeks, the Appeal is to be diſmiſſed; unleſs the appellant ſhall ſhew reaſonable cauſe, to the ſatisfaction of the Court, for not proceeding in it; and the Court may, if they ſhall deem it equitable ſo to do, award to the reſpondent coſts of ſuit. But in all ſuch caſes, the Court is to enter, at large, upon its proceedings, the grounds upon which the Court may permit or refuſe to allow the appellant to proceed.

Reaſons for the diſmiſſion of the Appeal to be recorded.

No perſons to be heard vivâ voce in any ſtage of the cauſe excepting principals, their witneſses, or their vakeels duly empowered.

XXII. In ſuits that may be referred by the Sudder Adawlut to the Provincial Court of Appeal; and in Appeals which may be preferred to thoſe Courts, no proceedings are to be held either on behalf of the Plaintiff or defendant; or any acts whatever done, either on behalf of the appellant or reſpondent, except by the plaintiff or defendant, the appellant or reſpondent themſelves, or by a vakeel admitted to plead in the Court under the eſtabliſhed regulations; nor by any vakeel before his vukalutnamah ſhall have been filed in the Court; and no perſons excepting ſuch parties, or their witneſses, or ſuch vakeels, ſhall be heard, vivâ voce, in any ſtage in the cauſe.

Provincial Court how to proceed againſt Zemindars, independent talookdars, or other land holders or dependant talookdars who may reſiſt their proceſs.

XXIII. *Firſt.* If a Zemindar, independent Talookdar, or a dependant Talookdar, or other Land holder ſhall reſiſt or cauſe to be reſiſted any proceſs, rule, order or decree which may at any time iſſue from a provincial Court of Appeal; the Court, on proof of the reſiſtance being made by Oath to it's ſatisfaction, is to cauſe the offender to be ſummoned to anſwer to the charge. If the offender ſhall abſcond; or ſhut himſelf up in his own, or any houſe, or in any building, or retire to any place, ſo that he cannot be ſerved with the Summons, the Court is to proceed againſt him in the manner directed with regard to other perſons abſconding, or otherwiſe acting as above ſpecified, ſo that they cannot be ſerved with the proceſs of the Court. If the offender ſhall not appear within the prescribed time; or, if he ſhall appear, and after receiving his anſwer to the charge, and hearing the evidence which he may produce in his defence, it ſhall be proved to the ſatisfaction of the Court, that he is guilty of the charge; the Court is to decree that the offender ſhall, from the date of the decree, forfeit his Zemindarry, Talook, or other eſtate, in which ſuch reſiſtance ſhall have been made; or, if the reſiſtance ſhall have been made out of the limits of the eſtate of the offender, the Zemindarry, Talook, or other landed property which he may poſſeſs within the juriſdiction of the Zillah Court to which the execution of the proceſs reſiſted may have been committed. If the cauſe ſhall not be appealable to the Sudder Adawlut, or if it ſhall be appealable, and the offender ſhall not lodge an Appeal within the time limited for preferring Appeals to that Court, in the eſtabliſhed Regulations; the provincial Court is, immediately, to forward a Copy of their decree and proceedings to the Governor in Council. If an Appeal ſhall be received from the deciſion of the Provincial Court, and the Sudder Adawlut ſhould confirm the decree they are immediately to tranſmit a copy of their decree and proceedings, and of the

Offender to be ſummoned to anſwer for his conduct.

Court how to proceed if the offender ſhall not obey the ſummons.

Decree to be paſſed if the offender ſhall not appear, or ſhall appear and be proved guilty of the charge.

A copy of the decree to be ſent to the Governor in Council, if the cauſe ſhall not be appealable, or not be appealed in time.

Sudder Adawlut how to proceed if the ſuit ſhould be appealed to them, and they ſhould confirm the deciſion of the Provincial Court.

decree

decree and proceedings of the Provincial Court of Appeal to the Governor in Council. An Appeal ſhall not lie to the Sudder Adawlut, unleſs the annual produce of the lands of the offender which may be adjudged forfeited, (calculating according to the amount paid and payable to the offender by the dependent Talookdars, under-farmers and ryots, on account of the year in which the decree may be paſſed) ſhall exceed five hundred Rupees. In the event of an Appeal, from the decree of the Provincial Court, being preſented to the Sudder Adawlut, and the admiſsion or rejection of the Appeal ſhould depend upon the produce of the lands for the year before mentioned, exceeding, or falling ſhort of, five hundred Rupees; the Court of Sudder Adawlut is to order the Provincial Court to obtain the neceſſary information regarding the produce; and after receiving their report, admit or reject the Appeal, according as they may deem equitable. It ſhall be at the option of the Governor in Council, after the receipt of a decree, adjudging the lands of any perſon forfeited under this Section, either to order it to be executed, or to commute the forfeiture for ſuch fine, as upon a conſideration of the ſituation and circumſtances in life of the offender, he may think adequate to the offence for which the decree may be paſſed. In the event of the Governor in Council commuting the forfeiture for a fine; the Court which ſhall have tranſmitted the decree and proceedings to the Governor in Council, upon receiving notice of the fine that he may impoſe is to levy the amount of it by the ſame proceſs by which the Court is directed to enforce its decrees.

In what caſes ſuch Appeals are admiſſible.

If the lands are decreed forfeited the Governor in Council may confirm the decree, or commute the forfeiture for a fine.

If the forfeiture is commuted for a fine, by what Court and how it is to be levied.

*Second.* In caſes wherein a decree for the forfeiture of an eſtate or farm, may be paſſed and tranſmitted to the Governor in Council; the decree in queſtion ſhall not be deemed final, until confirmed by the Governor in Council, and ſhall not be carried into execution, until notice of its confirmation be received.

Decree not to be deemed final or carried into execution till confirmed by the Governor in Council.

*Third.*

If the decree is declared final, the Court to iſſue a proceſs to the Collector to ſequeſter the lands.

*Third.* In the event of the Governor in Council ordering the decree to be executed; the Court is to iſſue a precept, under the ſeal of the Court, and ſignature of the Regiſter, requiring the Collector of the Revenue of the Zillah to depute an Aumeen; with a proper eſtabliſhment of officers (whoſe allowances are to be ſpecified in the precept) to ſequeſter the lands, and collect the rents and revenues. If the lands of the defaulter ſhall be deemed by the Court too inconſiderable to admit of their being charged with the expence of an Aumeen, the Court is to direct a precept to be iſſued to the Collector of the Zillah to order an officer employed under him in the buſineſs of the collections to take charge of the lands. The officer is to perform the duties preſcribed to Aumeens in ſuch caſes, and under the ſame reſtrictions and penalties.

If the forfeiture ſhould ſtand confirmed, the Governor in Council to confer the eſtate on the heirs of the offender or diſpoſe of it at public ſale.

XXIV. If the decree adjudging the lands of the offender forfeited, ſhall be confirmed under Section XXIII, it ſhall be at the option of the Governor in Council, either to confer the rights which the offender poſſeſſed in the lands on his heirs, upon their agreeing to make good all ſums whatever that may be due to Government, from the defaulter, on account of the lands forfeited; and to pay the fixed public revenue aſſeſſed upon them; or, if it be a dependent talook, the revenue payable from it to the proprietor within whoſe eſtate it may be ſituated; or, to order the lands to be diſpoſed of at public ſale.

Provincial Court how to proceed againſt perſons holding farms of Government, who may reſiſt their proceſs.

XXV. If a Farmer of land holding a farm immediately of Government, ſhall reſiſt, or cauſe to be reſiſted, any proceſs, rule, order or decree, which may at any time iſſue from a Provincial Court of Appeal; on proof of the reſiſtance being made by oath to its ſatisfaction, the Court is to cauſe the offender to be ſummoned to anſwer to the charge. If the offender ſhall abſcond, or ſhut himſelf up in his own or any houſe; or building, or retire to any place ſo that he cannot be

Offender to be ſummoned to anſwer for his conduct.

Court who to proceed if the offender

ſerved with the ſummons, the Court is to proceed againſt him

in

in the manner directed with regard to other perſons abſconding, or otherwiſe acting as above ſpecified, ſo that they cannot be ſerved with the proceſs of the Court. If the offender ſhall not appear within the preſcribed period; or, if he ſhall appear within the limited time, and after receiving his anſwer to the charge, and hearing the evidence which he may have to produce in his defence, it ſhall be proved to the ſatisfaction of the Court, that he is guilty of the charge; the Court is to decree the leaſe cancelled from the expiration of the revenue year. If the cauſe ſhall not be appealable; or if it ſhall be appealable, and the offender ſhall not lodge an Appeal within the time limited for preferring Appeals to that Court, the Provincial Court is immediately to forward a copy of the decree and proceedings to the Governor in Council. If an Appeal from the deciſion of the Provincial Court ſhall be admitted, and the Sudder Adawlut ſhould confirm the decree; the latter Tribunal is immediately to tranſmit a copy of the decree, and of the decree and proceedings of the Provincial Court of Appeal to the Governor in Council. An Appeal ſhall not lie to the Sudder Adawlut, unleſs the jumma payable to Government by the offender for the year in which the decree may be paſſed on account of the farm, the leaſe for which may be adjudged annulled, ſhall exceed five hundred Rupees. It ſhall be at the option of the Governor in Council, after the receipt of a decree adjudging the leaſe of a Farmer annulled under this Section, either to order the decree to be executed, or to commute the forfeiture of the leaſe for ſuch fine as upon a conſideration of the ſituation and circumſtances in life of the defaulter, he may think adequate to the offence for which the decree may be paſſed; or, if the offender ſhall not be deſirous of being continued in his farm, to fine him as above preſcribed, and compel him to retain the farm during the remainder of the leaſe, and to hold him and his ſurety reſponſible for the diſcharge of their engagements

ſhall not obey the ſummons.

Decree to be paſſed by the Court, if the offender ſhall not appear, or ſhall appear and be proved guilty of the charge.

A copy of the decree to be ſent to the Governor in Council, if the cauſe ſhall not be appealable, or not be appealed in time.

Sudder Adawlut how to proceed if they ſhoul admit an Appeal and confirm the decree of the Court.

Rules for determining from what decrees paſſed under this Section, an Appeal is to lie to the Sudder Adawlut.

Option reſerved to the Governor in Council to confirm the decree or commute it for a fine, and to compel the farmer to perform the conditions of his leaſe.

By what Court and how ſuch fines are to be levied.

engagements until the term of them ſhall expire. If a fine ſhall be impoſed upon the offender, the Court which ſhall have tranſmitted the final decree and proceedings to the Governor in Council, upon receiving notice of the fine, is to levy the amount of it by the ſame proceſs as is preſcribed for enforcing decrees of the Court.

If the leaſe of the offender ſhould be annulled, how balances due from him are to be recovered.

If the leaſe of the offender ſhould be annulled, and a balance ſhould be due from him to Government at the cloſe of the year in which the leaſe may be cancelled; both he and his ſurety are to be held reſponſible for the payment of it; and the Collector of the Revenue of the Zillah is empowered to proceed againſt them for the recovery of it, agreeably to the rules in that reſpect eſtabliſhed.

Farmers whoſe leaſes may be cancelled how to recover balances.

The offender is permitted to proſecute, in the Court of Adawlut of the Zillah in which the farm may be ſituated, the dependent talookdars, under farmers, and ryots in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him on account of the period during which his leaſe remained in force.

Court how to proceed againſt perſons reſiſting proceſs who are not land holders, talookdars, or farmers.

XXVI. If any perſon not being a zemindar, independent talookdar or other land holder or a dependent talookdar, or a Farmer of land holding a farm immediately of Government, ſhall reſiſt, or cauſe to be reſiſted any proceſs, rule, order, or decree, which may at any time iſſue from the Provincial Court of Appeal; on proof of the reſiſtance being made by oath to it's ſatisfaction; the Court is to cauſe the offender to be ſummoned to anſwer to the charge.

Offender to be ſummoned to anſwer for his conduct.

If the perſon for whom the ſummons may be iſſued ſhall abſcond; or ſhut himſelf up in his own, or any houſe, or building; or retire to any place ſo that he cannot be ſerved with the ſummons; the Court is to proceed againſt him in the manner dirrected with regard to other perſons abſconding, or otherwiſe acting as above ſpecified, ſo that they cannot be ſerved with the proceſs of the Court.

Court how to proceed if the offender ſhall not obey the ſummons.

If the offender ſhall not appear within the preſcribed period, or if he

ſhall

ſhall appear within the limited time and after receiving his anſwer, and hearing the evidence which he may have to produce in his defence, it ſhall be proved to the ſatisfaction of the Court, that he is guilty of the charge, the Court is to adjudge the offender to pay ſuch fine to Government, as may appear to it proper upon a conſideration of his ſituation and circumſtances in life, and the offence for which the decree may be paſſed. The rules regarding Appeals to the Sudder Adawlut from the deciſions of the Provincial Court of Appeal for ſums of money, are to be held applicable to deciſions which may be paſſed by the Provincial Court under this Section. If the fine ſhall not exceed Eight hundred Bombay Rupees, or if it ſhall be above that ſum, and the offender ſhall not prefer an Appeal to the Sudder Adawlut within the time preſcribed for lodging Appeals, the Court is to proceed to levy the amount, by the ſame proceſs by which it is empowered to carry its decrees for ſums of money into execution.

Perſons fined under this ſection allowed an Appeal to the Sudder Adawlut, under the rules for appealing from deciſions paſſed for ſums of money.

Court in what caſe and how to enforce ſuch decrees.

XXVII. The Provincial Court of Appeal is empowered in every caſe in which a ſum of money is decreed to be paid by a zemindar, independent talookdar, or other actual proprietor of land, to iſſue an order to the proper Zillah Court to execute the decree; in the ſame manner as the Zillah Courts are authorized to execute decrees, by which a ſum of money may be decreed to be paid by any of the deſcriptions of perſons above-mentioned.

Provincial Court empowered to order the Zillah Courts to enforce decrees for ſums of money againſt proprietors of land by the ſame proceſs as they enforce ſuch decrees paſſed by themſelves.

XXVIII. If a Petition of Appeal ſhall be preferred againſt the deciſion of any Zillah Court founded on an award of arbitration it is to be diſmiſſed with coſts; unleſs it be fully proved to the ſatisfaction of the Court by the Oaths of two credible witneſſes, that the arbitrators have been guilty of groſs corruption, or partiality in the cauſe in which they have made the award.

Petitions of Appeal from deciſions founded on awards of arbitrators to be diſmiſſed with coſts.

Exception to the rule.

XXIX.

Proceedings of the Provincial Court how to be numbered, marked, dated, and ſigned.

XXIX. The Petition of Appeal, pleadings, depoſitions, and exhibits in the Provincial Court of Appeal, are to be numbered marked, dated, and ſigned by the Regiſter; in the ſame manner as the complaint, pleadings, depoſitions, and exhibits, are ordered to be numbered, marked, dated, and ſigned by the Regiſter in the Zillah Courts. The decrees are to be ſigned by the Judges preſent in Court, when the decrees may be paſſed; and atteſted by the Regiſter; and copies ſo ſigned and atteſted, are to be delivered to the parties.

Decrees to be ſigned by the Judges and atteſted by the Regiſter and copies to be delivered to the parties.

Caſes in which the decrees of the Provincial Court of Appeal are to be final.

XXX. *Firſt.* The decree of the Provincial Court of Appeal ſhall be final in all ſuits in which the decree may be for land, or other real property being lakheroye (or exempted from the payment of revenue to Government) the annual produce of which ſhall not exceed fifty Bombay Rupees; or for any zemindary, independent talook, or other landed eſtate being malguzary, (or paying revenue to Government) where the produce ſhall not exceed five hundred Bombay Rupees per annum; or for any dependent talook, the annual produce of which ſhall not be more than five hundred Bombay Rupees: and in all other caſes where the decree ſhall be for a ſum of money, or perſonal property, or real property not of the deſcription beforementioned, the amount or value of which ſhall not exceed the ſum of eight hundred Bombay Rupees.

Petitions for a review of cauſes from the deciſion on which, no Appeal can be had to be preſented to the Court paſſing ſuch deciſion.

*Second.* Perſons conſidering themſelves aggrieved by the decree of the Provincial Court, from which decree no Appeal can be had under this ſection to any ſuperior Court; and who from the diſcovery of new matter or evidence which was not within their knowledge; or could not be adduced by them, at the time when the decree was paſſed; or for other good and ſufficient reaſon, may be deſirous of obtaining a review of the judgment paſſed againſt them, are at liberty to preſent a Petition for this purpoſe to the Court in which the decree in

queſtion

queſtion may have been paſſed; and, if the Judge of ſuch Court, ſhall, on conſideration of the reaſons urged by the party, be of opinion that the review deſired is neceſsary to correct an evident error in the judgment; or otherwiſe for the due adminiſtration of juſtice; they ſhall report the ſame, with the grounds of ſuch opinion, to the Court of Sudder Adawlut: tranſmitting at the ſame time, a copy and tranſlation of the Petition preſented to them; and ſhall be guided by the inſtructions they may receive from that Court, in admitting or rejecting the prayer of ſuch Petition; as well as in the admiſsion of evidence, if the review be granted, on the further proceedings to be held by them in conſequence. Provided however, that no reference to the Sudder Adawlut ſhall be conſidered obligatory in caſes, wherein the Provincial Court, ſhall deem the reaſons urged for a reviſion thereof inſufficient; their rejection of the Petition for a review in all ſuch caſes being hereby declared concluſive.

Report to be made to the Sudder Adawlut, if the Judges ſhall conſider it neceſſary for the due adminiſtration of Juſtice.

Inſtructions of the Sudder Adawlut to determine the admiſſion or rejection of the review deſired, as well as what new evidence ſhall be admitted.

But no reference to the Sudder Adawlut obligatory, if the Provincial Court, deem the reaſons urged for a review thereof inſufficient.

XXXI. The Provincial Court of Appeal ſhall not require the Zillah Courts to furniſh them with tranſlates of any proceedings or papers written in the Country languages; excepting only the proceedings and papers in ſuits, in which Appeals may be preferred from their deciſion, to the Sudder Adawlut. On the admiſsion of an Appeal from the deciſion of the Provincial Court of Appeal, to the Sudder Adawlut; the Provincial Court is directed to tranſmit to the Judge of the Zillah Court, in which the cauſe may have been tried in the firſt inſtance, the whole of the original proceedings held in the ſaid Zillah Court; together with all original documents, and papers, recorded on the trial therein, and to require him by a precept, under the ſeal and ſignature of the Court, to furniſh a tranſlation in Engliſh, of all ſuch proceedings, documents and papers, within the period which may be preſcribed to them by the Sudder Adawlut, for certifying the proceedings held in the cauſe,

Provincial Court not to require tranſlates of proceedings, &c. except in cauſes appealed to the Sudder Adawlut.

In cauſes appealed to the Sudder Adawlut, the Provincial Court is to tranſmit to the Zillah Judge, all the original papers &c. and require by precept a tranſlation thereof within the preſcribed time.

But not to require a tranſlation of proceedings held in the Provincial Court.

cauſe, to the laſt mentioned Court. Nothing however contained in this ſection ſhall be conſidered by the Provincial Court as authorizing it to require the Judges of the Zillah Courts, to furniſh a tranſlation of the proceedings which may be held in the Appeal, by the Provincial Court. The Provincial Court of Appeal on receiving the tranſlation from the Judge of the Zillah Court, is to certify the whole of the record, original and tranſlation, to the Sudder Adawlut.

Provincial Court to certify the record original and tranſlate, to the Sudder Adawlut.

All tranſlations required from the Courts, to be made by their regiſters and aſſiſtants whenever it may be practicable.

When their other public duties will not admit of their preparing the tranſlates, the Judges are to report the circumſtance to the Sudder Adawlut; who, if they deem it neceſſary, will authoriſe them to employ other perſons to make the tranſlates, ſubject to the reviſion of the Regiſter, who is to be reſponſible for their accuracy.

XXXII. It ſhall be the Province of the Regiſters and aſſiſtants to the Provincial, and Zillah Courts, to make all tranſlations required from theſe Courts reſpectively; and it is expected, they will at all times perform this duty, as far as may be in their power, conſiſtently with the due diſcharge of their other duties. But if at any time, their other public avocations, may not admit of their preparing the tranſlates of proceedings required to be tranſmitted to the Sudder Adawlut, within the proper period; the Judges of the reſpective Courts are to repreſent the ſame to the Sudder Adawlut; with information of the period required, to enable their regiſters and aſſiſtants, to make ſuch tranſlations without material impediment to the diſcharge of their other duties; and if the Sudder Adawlut ſhall judge it neceſſary to have the tranſlation before them at an earlier period it is empowered to authoriſe the employment of any perſon or perſons, poſſeſſing an adequate knowledge of the original language, to make ſuch tranſlations; ſubject to the reviſion of the Regiſter of the Provincial, or Zillah Court, from which ſuch tranſlation may be demandable; who, in all ſuch inſtances, is to counterſign the tranſlations, as compared by him, and will be held reſponſible for the accuracy of it.

Rates to be allowed to perſons not in the ſervice for making tranſlates.

XXXIII. Where perſons, not in the civil ſervice of the Honorable Company, may be employed by the Provincial, or Zillah Courts, under the authority given in the preceding Section;

Section; the perſons ſo employed are to receive a compenſation for the tranſlate made by them, according to the following eſtabliſhed rates; which have been fixed as a general ſtandard for tranſlations of every deſcription: vizt. one Bombay Rupee for one hundred words of the original language; and the ſame rate for figures; calculating five figures for a word. The Judges of the Provincial, and Zillah Courts, are to communicate the above rates to the perſons who may be employed by them before they undertake the tranſlation; and are to pay the ſame on a certificate from their Regiſters, that the tranſlation has been duly completed, which certificate is to be endorſed by the Regiſter on the bill, after he ſhall have compared the tranſlation as directed in the foregoing Section.

Bill for the tranſlation to be paid on a certificate from the Regiſter.

XXXIV. In caſes for which no ſpecific rules may exiſt, the Provincial Court of Appeal is to act according to juſtice, equity and good conſcience.

Court how to act in caſes for which no rule may exiſt.

XXXV. Where the Provincial Court of Appeal may confirm the decree of a Zillah Court, the Court is to adjudge intereſt at the rate of one per cent per menſem on all ſums, receivable by the reſpondent under the decree paſſed in his favor, from the date of ſuch decree, and is authoriſed to puniſh Appeals which may appear to them litigious, by a fine to Government, proportionate to the condition of the party, and the circumſtances of the caſe.

Intereſt to be allowed on ſums adjudged by the decree appealed from, if confirmed, and litigious Appeals to be puniſhed by fine.

XXXVI. Whereas the requiring the depoſitions of witneſſes to be reduced into writing, and filed of record, is productive of much expence and delay in ſmall cauſes, where the value of the matter in diſpute cannot be made the ſubject of Appeal; it ſhall be in the diſcretion of the Judges of the Provincial Court, in all ſuch caſes, either to direct the depoſitions of witneſſes, to be reduced into writing, and filed of record, or not, as they ſhall think fit in each particular caſe.

Court where the matter in diſpute does not admit of an Appeal, may direct depoſitions to be filed of record; or not.

XXXVII.

Provincial Court to keep a Book of daily Proceedings.

XXXVII. The Provincial Court of Appeal is to keep a book of daily proceedings, ſimilar to that which the Judges of the Zillah Courts are required to keep in Section IX Regulation VI. 1802; the entries in the book are to be atteſted with the ſignature of the Regiſter.

And a monthly abſtract Regiſter.

XXXVIII. The Provincial Court of Appeal is required to keep a monthly abſtract Regiſter, in the Engliſh language, of cauſes or appeals decided by them; drawn out in the following form; on paper of the ſize which may be preſcribed by the Sudder Adawlut. The regiſter for each month, is to be diſpatched to the Sudder Adawlut, by the fifteenth of the following month.

*ABSTRACT*

*ABSTRACT REGISTER of Causes and Appeals, decided by the Provincial Court of Appeal*

*in the month of* 18

| Number of the Register in the Zillah Court. | Number of the Register in the Provincial Court. | Names of the parties. | Substance of the Original Suit. | To whom and what decreed by the Zillah Court. | From what Court appealed. | The decree of the Provincial Court. | Date on which the Appeal was filed in the Provincial Court. | Date of the decree of the Provincial Court. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

Half yearly report of undecided causes to be made by the Provincial Court to the Sudder Adawlut.

XXXIX On the first of January, and the first of July, in each year, the Provincial Court of Appeal is to transmit to the Sudder Adawlut, a Register of all the causes or Appeals remaining undecided in the Court. The Register is to be drawn out in the following form, on paper of the size which the Sudder Adawlut may prescribe.

*REPORT of Causes and Appeals, depending in the Provincial Court of Appeal, on the 1st January (or 1st July) 18*

| Number of the Register. | Names of the parties. | Substance of the cause or Appeal. | Date on which the cause or Appeal was filed. | REMARKS. |
|---|---|---|---|---|
| 10 | Bhowanny Churn Mitre, Versus Ramnarain | For the recovery of 50 Rupees, the value of a boat. | 16th May, | When any causes or Appeals which have been inserted in a half yearly report, are re-entered in another half yearly report, the Judges are to state in this column, the reason of such Causes or Appeal remaining undecided. |

XL. *First.* The Provincial Court of Appeal is to insert at the bottom of it's monthly Abstract Registers, an abstract of the number of Appeals or Causes determined by them in the month as follows.

Rule for facilitating the preparing of the Register's reports.

*APPEALS.*

| | | |
|---|---|---|
| Decreed or dismissed, - - - - - | 2 | |
| Adjusted by razenamahs of the parties, - - | 2 | |
| | | — 4 |
| Causes tried before the Court in the first instance, | | |
| Decreed or dismissed, - - - - - | 2 | |
| Adjusted by razenamahs of the parties, - - | 2 | |
| | | — 4 |
| | Total | 8 |

The Provincial Court of Appeal is to insert at the bottom of it's half yearly reports, an abstract of the number of Appeals or causes depending before them as follows.

| | |
|---|---|
| Appeals, - - - - - - - | 2 |
| Causes under trial before the Court in the first instance, - - - - - - | 2 |
| Total | 4 |

13/14

Accompg No. 2016

A. D 1812. Regulation VII

No. 10 of 14.

Denver 1st February 1864

# A. D. 1812, REGULATION VII.

A REGULATION *for defining the powers and duties of the Sudder Adawlut, or Chief Court of Civil Judicature, for trying Appeals from the decisions of the Provincial Court of Appeal,* PASSED *by the Governor in Council on the* 16*th December* 1812, *Corresponding with the* 13*th Margseer Sood Sumbut or Vickramajet Era,* 1869; *Salbahan* 1734; *and* 11*th Zilhuz* 1227 *Hejree,*

Preamble.

REGULATION VII. 1800, for extending and defining the powers and duties of the Court of Sudder Adawlut, containing rules for receiving and deciding upon Appeals from the decisions of the Zillah Courts *only;* and it being necessary, on the ground of the enactment of a Regulation for the Provincial Court of Appeal, that the powers of the Sudder Adawlut should be adapted to the provisions of that Regulation, the following rules have been enacted.

Court to consist of the Governor and the other Members of the Council of Bombay.

II. The Court of Sudder Adawlut shall consist of the Governor, and the other Members of the Council of Bombay.

III.

Seal of the Court.

III. The Court is to uſe a circular ſeal, two inches and a quarter in diameter; with an inſcription to the following effect, in the Perſian and Guzeratty languages and characters "The ſeal of the Sudder Adawlut" The Court is to be held in a large and convenient room at Bombay; and to ſit de die in diem, as the diſpatch of buſineſs may require; and is empowered to make ſuch reaſonable adjournments as may be deemed expedient conſiſtently with the buſineſs. No rule, order, proceeding or decree, is to be made, but on Court days, and in open Court.

Court to be held at Bombay to ſit de die in diem, and to make reaſonable Adjournments.

No decree, order, &c. to be made, but on Court days, & in open Court.

Caſes in which the Sudder Adawlut is empowered to refer original ſuits or complaints to the Zillah Court.

IV. *Firſt.* The Sudder Adawlut is empowered to receive any original ſuit or complaint, which may be cognizable in any Zillah Court, and to command the Judge of ſuch Court by a precept under the ſeal of the Court, and atteſted by the Regiſter, to receive the ſuit or complaint; and to proceed to hear and determine it; provided proof ſhall be previouſly made to their ſatisfaction, that the Judge refuſed or omitted to proceed in it; and that the complainant applied to the Provincial Court of Appeal; and that ſuch Court omitted or refuſed to command the Judge to receive or proceed in it under Section VII. Regulation VI. 1812. If the Plaintiff ſhall refuſe, or neglect to proceed in the ſuit or complaint for the period of ſix weeks, after the order of the Sudder Adawlut may be received by the Zillah Court, and notified to the complainant, the Judge is authorized to diſmiſs it, notwithſtanding the order of the Sudder Adawlut. In ſuch caſes, the Judge, within one week after the diſmiſſion of the ſuit or complaint, is to certify to the Sudder Adawlut under his hand and the ſeal of the Court, that the ſuit or complaint has been diſmiſſed, and the grounds of diſmiſſion.

Suit or complaint to be diſmiſſed if the party preferring it ſhall refuſe or omit to proceed in it for ſix weeks.

Judge to notify the diſmiſſion of the ſuit to the Sudder Adawlut.

Caſes in which the Sudder Adawlut may receive Petitions reſpecting ſuits or matters depending, or which may have been decided in any Zillah Court.

*Second.* The Sudder Adawlut is veſted with authority to receive any petitions reſpecting ſuits or matters that may be depending, or have been decided, in any Zillah Court; and provided

vided it ſhall be proved to their ſatisfaction that the petition was preſented to the Judge of ſuch Court, and that he refuſed or omitted to receive it, and proceed on it; and that the complainant applied to the Provincial Court of Appeal, and that ſuch Court omitted or refuſed to grant the precept ſpecified in Section VIII. Regulation, VI. 1812: the Sudder Adawlut is empowered to iſſue a precept under the ſeal of the Court, and atteſted by the Regiſter, commanding the Judge of the Zillah Court to receive the petition, and to proceed reſpecting it according to the regulations.

Court how to proceed with ſuch Petitions.

V. The Sudder Adawlut is empowered to receive any Appeal from a deciſion of a Zillah Court, which may be cognizable in the Provincial Court of Appeal; and to command ſuch Provincial Court, by a precept under the ſeal of the Court, and atteſted by the Regiſter, to receive the Appeal, and to proceed to hear and determine it: provided proof ſhall be previouſly made to the ſatisfaction of the Sudder Adawlut, that the Provincial Court omitted or refuſed to receive or proceed in it. If the appellant ſhall refuſe or omit to proceed in the Appeal for the period of ſix weeks, after the order of the Sudder Adawlut ſhall have been received by the Provincial Court, and notified to him, the Provincial Court is empowered to diſmiſs the Appeal nothwithſtanding the order of the Sudder Adawlut. In ſuch caſes the Provincial Court, within one week after the diſmiſſion of the Appeal, ſhall certify to the Sudder Adawlut under the hands of the Judge and the Seal of the Court, the diſmiſsion of the Appeal, and the grounds of the diſmiſsion.

Caſes in which the Sudder Adawlut is empowered to refer Appeals to the Provincial Court to be tried and determined.

Appeal to be diſmiſſed if the appellant ſhall omit or refuſe to proceed in it for ſix weeks.

Provincial Court to notify the diſmiſsion of the Appeal to the Sudder Adawlut.

*Second.* The Sudder Adalwut is veſted with authority to receive petitions reſpecting Appeals or matters which may be depending, or have been decided, in the Provincial Court of Appeal; and provided it ſhall be proved to the ſatisfaction of the Court that the Petition was preſented to the Provincial Court

Caſes in which the Sudder Adawlut may receive Petitions reſpecting Appeals or matters depending or which may have been decided in the Provincial Court.

Sudder Adawlut how to proceed in ſuch caſes.

Court, and that they refuſed or omitted to receive it; the Sudder Adawlut is empowered to iſſue a precept under the Seal of the Court, and atteſted by the Regiſter, commanding the Provincial Court to receive the petition; and to proceed reſpecting it according to the regulations.

Sudder Adawlut not to correſpond with parties in ſuits or any perſon, reſpecting matters before the Court or cognizable by it.

VI. The Sudder Adawlut is prohibited from correſponding by letter with parties in ſuits or proceſs or matters depending before it, or coming within it's cognizance. If a party in a ſuit, or any perſon amenable to the jurisdiction of the Court, ſhall have any matter to repreſent to the Court he ſhall either appear in the Court in perſon and repreſent the matter in writing; or ſhall make the repreſentation in writing through an authorized Vakeel; the Court ſhall paſs ſuch order upon the repreſentation as ſhall appear to it proper, conſiſtently with the Regulations: and ſhall cauſe a copy of the order under the ſeal of the Court and atteſted by the Regiſter to be delivered to the perſon making the repreſentation, or to his Vakeel.

In trying matters in the firſt inſtance, and in Appeals, the Sudder Adawlut to be guided by the rules, preſcribed to the Zillah Courts. Exceptions to the rule.

VII. In matters which the Sudder Adawlut may be empowered by any Regulation to try in the firſt inſtance; and alſo in Appeals which may be preferred to the Court from deciſions of the Provincial Court of Appeal (except as to hearing witneſſes and receiving evidence;) the Court ſhall proceed in the ſame manner, and with the like powers and authority, and ſubject to the ſame reſtrictions, limitations, and exceptions, as are preſcribed to the Zillah Courts.

Sudder Adawlut how to proceed in the event of the Judge of a Zillah Court, or the Provincial Court of Appeal, being charged with corruption.

VIII. If any perſon ſhall charge the Judge of a Zillah Court, or the Provincial Court of Appeal before the Sudder Adawlut, with having been guilty of corruption in oppoſition to his oath; the Court ſhall receive the charge, provided the complainant ſhall previouſly make oath to the truth of it (or ſubſcribe the required declaration, if he ſhall be of the deſcription of perſons whom the Court are empowered to exempt from taking oaths)

and

and give ſecurity in whatever ſum the Court may judge proper, to appear and proſecute the charge when required. Unleſs the complainant ſhall take the Oath; or ſubſcribe the abovementioned declaration, and give the required ſecurity, the Court ſhall not receive the charge. If the Court ſhall receive any ſuch charge, or in the event of a charge of corruption againſt the Judge of any Zillah Court, being tranſmitted to it by the Provincial Court of Appeal, under Section X. Regulation VI. 1812, the Court (according as it may deem proper on a conſideration of the circumſtances of the caſe) may direct the parties to proceed to Bombay, that the charge may be tried before the Sudder Adawlut; or, if the party accuſed ſhall be a Judge of a Zillah Court, the Court may order the charge to be tried by the Provincial Court of Appeal; or, if the party accuſed, be a Judge of a Provincial Court, the Court may grant a ſpecial commiſsion to three, or more Perſons to aſſemble and try the charge; or, in any of the caſes mentioned in this Section, they may recommend to the Governor in Council, to order the party accuſed to be proſecuted in the King's Court of Judicature at Bombay; by the law officers of Government, under the proviſions made by act of Parliament for ſuch caſes. If the charge ſhall be eſtabliſhed, the Governor in Council will either remove ſuch Judge from his office, or ſuſpend him from the Honorable Company's ſervice; or paſs ſuch other order as may appear proper. If the charge ſhall not be proved, the Judge ſo accuſed is to be at liberty to ſue the accuſer for damages, in any Court of Judicature to which he may be amenable. The rules contained in this Section, ſhall not be conſtrued to prevent any Individual who may have a charge of corruption, to prefer againſt a Judge of any Zillah Court; or of the Provincial Court of Appeal from proſecuting ſuch charge in the King's Court of Judicature in the firſt inſtance; under the proviſions made by act of Parliament for ſuch caſes.

Puniſhment to which the party accuſed will be liable, if convicted.

If the charge ſhall not be proved, the accuſer to be liable to be proſecuted for damages.

Rules contained in this Section not meant to debar individuals from proſecuting ſuch Judges in the Kings Court in the firſt inſtance, under the acts of parliament.

IX.

What decision the Court may pass in Appeals of any description which they may be empowered to try.

IX. The Sudder Adawlut is empowered to confirm or reverse, in whole, or in part, all decrees from which the Court shall or may be authorised, to receive Appeals: and to make such further order on all such decrees, as justice, equity, and good conscience may require; and award such costs to either party as it shall deem reasonable.

From what decrees of the provincial Court of Appeal, an Appeal is to lie to the Sudder Adawlut.

X. *First.* If any person shall deem himself aggrieved by the decree of the Provincial Court of Appeal, passed subsequent to the date of the enaction of this Regulation; for land, or other real property, being lakheraje (exempted from the payment of Revenue to Government) the annual produce of which shall exceed Fifty Rupees; or for any landed estate, being malguzary (paying Revenue to Government) where the produce shall exceed five hundred Rupees per annum; and in all other cases where the decree shall be for a sum of Money, or personal property, or real property not of the descriptions above mentioned, the amount of which shall entitle the party to Appeal under Section 6th, Clause 4th, Regulation 2d 1808, such person shall be at liberty to Appeal from the decision, to the Sudder Adawlut by Petition of Appeal.

To whom the Petition of Appeal is to be first presented.

*Second.* In cases in which an Appeal shall be intended, to be preferred, such Appeal shall be presented, in the first instance to the Provincial Court of Appeal. The Provincial Court shall on the next Court day, or as soon afterwards as may be practicable, admit the same, under the conditions in that respect prescribed.

What the Petition of Appeal is to contain.

*Third.* The Petition of Appeal shall state, (respect being had to the matter decreed) the annual produce of the land whether lakheraje, or malguzary; the sum of Money, or the value of the property which shall have been decreed; the name of the person in whose favor the decree shall have been given; the Court in which it shall have been passed; when it was made

made; what was decreed by it; and whether the decree has been executed: and ſhall aſsign ſome cauſe, ſpecial or general, for appealing from the deciſion. The amount adjudged by the Provincial Court, againſt the party, deſiring to Appeal; or the amount of his claim diſallowed by the decree from which he may be deſirous to Appeal; ſhall be the ſtandard for determining his right to Appeal; under the limitations preſcribed by the regulations.

What ſhall be the ſtandard for determining the right to Appeal.

*Fourth.* The Petition ſhall be accompanied with an atteſted copy of the decree of the Provincial Court; or by a written declaration ſigned by the party deſirous to Appeal; or his Vakeel, that ten days after the deciſion was paſſed, he applied to the Court for a copy of the decree, and was denied it.

What the Petition of Appeal is to be accompanied with.

*Fifth.* The Petition ſhall be preſented to the Court in which the decree ſhall have been paſſed; within three Calendar months, after the day on which the decree ſhall have been delivered to the party, viz. within ten days after the decree ſhall have been paſſed in open Court. But it ſhall nevertheleſs be permitted to ſuch perſon to prefer his Petition of Appeal after the expiration of the three months; and the Court is authorized to admit the Appeal; provided the Petitioner can ſhew juſt and reaſonable cauſe to its ſatisfaction, for not having preferred it within the limited period. But whenever the Court ſhall admit an Appeal which may be preferred to it after the limited time, it ſhall enter upon its proceedings, its reaſons at large for admitting the Appeal.

Period limited for preferring Appeals.

Caſes in which the Sudder Adawlut may admit Appeals after the limited time.

Court to record their reaſons for admitting an Appeal after the limited time.

*Sixth.* In all authoriſed caſes of Appeal from the decrees of the Provincial Court, to the Sudder Adawlut; the Court in which the decree appealed from ſhall have been paſsed, ſhall ſuſpend the execution of it during the Appeal; provided, the party, againſt whom the decree ſhall have been paſsed, ſhall at the time of preferring his Appeal, or within ſuch reaſonable period

Execution of decrees appealed from to be ſuſpended during the Appeal under the preſcribed ſecurity.

period afterwards, as ſhall be fixed for the purpoſe, deliver good and ſufficient ſecurity in a ſum equal to one year's amount of the annual produce of the landed Eſtate, land or Houſe, or other real property which ſhall have been decided, and in all other caſes, good and ſufficient ſecurity in an amount equal to the ſum of money, or value of the thing decreed; for the performance of the decree, which may be paſsed upon the Appeal.

Parties deſirous of appealing to deliver good ſecurity for the coſts that may be awarded on the Appeal, including fees of pleaders.

*Seventh.* In all authoriſed caſes of Appeal, the party deſirous of appealing ſhall with his Petition of Appeal, deliver good and ſufficient ſecurity for the payment of the coſts which ſhall be awarded on the Appeal; including the fees of his pleader, in caſe he ſhall intend to employ any in his Appeal.

No Appeal to be admitted without ſuch ſecurity; or proof of inability to find the ſame.

Without ſuch ſecurity, or without proof of inability to find the ſame, as required with reſpect to paupers by Regulation X, 1802, no Appeal ſhall be admitted.

Preſenting a Petition of Appeal, without the required ſecurities before the expiration of the time limited for Appealing, declared not to preſerve the right of Appeal.

It is hereby declared, that the preſenting a Petition of Appeal, without the ſecurity required by this clauſe; before the expiration of the time limited for appealing, ſhall not be conſidered to preſerve to the appellant his right of Appeal; as far as reſpects the limitation in queſtion.

Exception.

Provided however, that if a party appealing who ſhall declare his intention to proſecute his Appeal in perſon, ſhall afterwards be deſirous to appoint an authorized vakeel to act for him; and with his Petition to this effect, or the vukalutnamah appointing ſuch vakeel, ſhall deliver good and ſufficient ſecurity for the fees of ſuch pleader, in addition to the ſecurity for coſts before delivered by him, ſuch further ſecurity ſhall be admitted; and nothing in this Regulation ſhall be underſtood to affect the right of Appeal in ſuch caſes.

No pleader however to act until ſecurity has been given for his fees. Exception.

But no pleader ſhall, in any inſtance, be allowed to act in any Court, until ſecurity ſhall have been given for his eſtabliſhed fees; except under the proviſions for paupers.

When the Appellants have entered into the ſecurities the Senior Judge is

*Eighth.* When the Securities above required ſhall have been entered into; the Senior Judge of the Provincial Court is immediately

mediately to endorſe on the Petition, in his own hand writing; the day of the month and year in which it was preſented; and ſhall ſign it with his name, and cauſe to be written in the margin of the record, immediately oppoſite to the decree of the Court, the word "Appealed," and ſhall tranſmit the Petition to the Sudder Adawlut. The Court ſhall at the ſame time direct notice in writing to be given to the Appellant, that within fifteen days, the proceedings held in the cauſe appealed, will be certified to the Sudder Adawlut; and that if he ſhall not proceed in the Appeal within ſix weeks, after the Petition of Appeal ſhall have been filed in the Sudder Adawlut; his Appeal will be diſmiſſed, unleſs he ſhall ſhow reaſonable cauſe to the ſatisfaction of that Court for not having proceeded in it.

to make the endorſement herein required.

Ayd tranſmit it to the Sudder Adawlut; and notify to the appellant that the proceedings will be certified to the Sudder Adawlut in fifteen days; and that if he ſhall not proceed in the Appeal in ſix weeks from the date of the petition being filed in the above Court, it will be diſmiſſed.

*Ninth.* Notwithſtanding the Appellants in cauſes depending before the Sudder Adawlut ſhall have entered into the Securities required of them by the above clauſes in this Section; that Court is further authoriſed, in caſes, wherein from delay in the deciſion, the Securities originally ſo given may afterwards appear inſufficient, in reſpect to the period of time the cauſe has been pending, or is likely to remain ſtill undecided, on the application of the Reſpondent, or Reſpondents, in all ſuch caſes, to require any additional Security, which it may deem neceſſary, to ſecure the party who ſhall have obtained a judgment in his favor, from any loſs by ſuch judgment not being executed while the Appeal ſhall be depending; and in default of ſuch further ſecurity being given within a reaſonable period, to be fixed for that purpoſe, the Court is empowered to direct the judgment in queſtion, to be carried into execution; in like manner as if no Securities had originally been given by the Appellant: provided, that in ſuch caſes good and ſufficient ſecurity, as preſcribed by the regulations, be given by the Reſpondent, previous to his being put in poſſeſſion of the property in litigation. The Supplemental Security required in this clauſe, as neceſſary to maintain a depending Appeal is carefully to be diſtinguiſhed from

Sudder Adawlut may in particular caſes require further ſecurity during Appeals if on application of the parties, the ſecurity taken appear inſufficient.

In default of ſuch further ſecurity being given by appellants, the judgement to be executed.

Provided the preſcribed ſecurity be given by the reſpondent.

from the Securities, originally, neceſſary to warrant the cauſe being appealed. The Supplemental Security being only demandable by the Sudder Adawlut, after a lapſe of time; the original Securities being requirable by the Provincial Court, previous to the Petition of Appeal being admitted.

Proviſion for caſes wherein neither the appellant or reſpondent may be able to give the preſcribed ſecurities.

*Tenth.* As caſes may occur wherein neither the Appellant, or Reſpondent may be able to give the preſcribed ſecurities, for ſtaying the execution of the decree; or for the execution thereof in favor of the Plaintiff; it is hereby enacted, that in all ſuch caſes the property adjudged, ſhall be held in attachment, during the Appeal, or until ſuch time as one of the parties ſhall be able to give the required ſecurities, by the Collector of the diſtrict wherein the land may be ſituated, at the expence of the party who may be ultimately declared entitled thereto: under the proviſions in that reſpect eſtabliſhed. No attachment, however, ſhall be made by any Collector in the caſes herein ſuppoſed; until he ſhall receive a precept, requiring him to make the ſame, from the Provincial Court wherein the original judgment in the cauſe ſhall have been paſsed; which precept ſhall ſtate, ſpecifically, the property to be included in the attachment; and ſhall require the Collector to continue the ſame until ordered to be withdrawn by a further precept from the Court, to be iſsued either on the preſcribed ſecurities being given by one of the parties; or on the cauſe being finally determined.

The Collectors to hold the adjudged property in attachment in ſuch caſe.

Provincial Court on rejecting a petition of Appeal to the Sudder Adawlut, to furniſh appellant with a copy of their order for ſuch rejection.

*Eleventh.* If a Petition for an Appeal to the Sudder Adawlut, ſhall be rejected, on whatever ground, by the Provincial Court; ſuch Court ſhall, on the Court day next enſuing, or as ſoon afterwards as may be practicable, cauſe the appellant to be furniſhed with a copy of their order for rejecting the Appeal: and the Appellant ſhall be ſtill at liberty to preſent his Petition of Appeal to the Sudder Adawlut, in the mode, and under the reſtrictions preſcribed by this Section; provided, that ſuch

And appellant at liberty to preſent his petition of Appeal to the Sudder Adawlut under reſtrictions preſcribed by this Section.

Petition

Petition ſet forth the previous application made to the Provincial Court, and the rejection of the Appeal by that Court; and be accompanied by a copy of the order of rejection, or by a declaration, that ſuch copy was applied for, ten days after the ſame was paſſed, and not obtained.

Where the appellant does not comply with the rules of Appeal, decree to be executed.

*Twelfth.* If the party deſiring to appeal ſhall neglect, or refuſe to enter into the Securities in the manner, preſcribed in this Section; the Court, by whom the deciſion may have been, paſſed, is to order the decree to be executed.

Rules for authorizing the Sudder Adawlut to take cognizance, in certain caſes, of Appeals which the Provincial Court may have refuſed to admit, or dismiſsed without inveſtigation.

*Thirteenth.* In all caſes wherein an Appeal ſhall lie under the exiſting regulations to the Provincial Court of Appeal, from the deciſion of a Zillah Court; and in which the Provincial Court ſhall have refuſed to admit the Appeal, on the ground of delay, informality, or other default in preferring it; or after having admitted the Appeal, ſhall diſmiſs it on the ground of ſome default, without inveſtigating the merits of the cauſe; it ſhall be competent to the Sudder Adawlut to receive an Appeal from the order or diſmiſſal of the Provincial Court; whatever may be the amount or value at issue in the cauſe; provided ſuch Appeal be preferred in conformity to the rules, preſcribed with regard to other Appeals, to the Court of Sudder Adawlut; and if it ſhall appear to that Court, on examination of the proceedings of the Provincial Court, that the Appeal was rejected or diſmissed by the latter, on inſufficient grounds, it may order the Provincial Court to receive the Appeal; or to revive it, if received and diſmissed; and to try and determine the cauſe upon its merits according to the Regulations. Provided further, however, that if ſuch appeals ſhall on enquiry, be found groundleſs and litigious, the Court of Sudder Adawlut ſhall in all ſuch inſtances, punish the litigious appellant as authorized by Section XII. in other caſes of litigious Appeal; viz. by a fine to Government proportionable to the condition of the party, and to the circumſtances of the caſe.

Proviſion reſpecting litigious Appeals.

Record, including original papers in the cauſe appealed, to be tranſmitted to the Regiſter to the Sudder Adawlut, in fifteen days after the receipt of the Appeal.

XI. The Court, within fifteen days, after the receipt of the Appeal, ſhall certify under their hands and the ſeal of the Court, to the Regiſter of the Sudder Adawlut, the record duly made up and authenticated; including the original Petition of Appeal, and anſwer of the parties; the original papers and documents received from the Zillah Court; the original depoſitions, (where any ſhall have been taken before the Provincial Court,) exhibits, and every original paper read in the cauſe. Previous to tranſmitting the abovementioned papers to the Sudder Adawlut, the Provincial Court ſhall cauſe true and faithful Copies of all the originals, authenticated by the Seriſtadar, or head Native Officer of the Court, to be made out and depoſited in the Court in lieu of the originals. The Copies ſhall be deemed to be records of the Court and ſhall be received in evidence in any other Court. In caſes where any original depoſitions, or other original proceedings or matter whatſoever, ſhall have been previouſly entered in the Provincial Court, in any book, which may likewiſe contain proceedings in other diſtinct cauſes, or any other matter; ſo that ſuch original papers cannot be tranſmitted to the Sudder Adawlut, without the other proceedings or matters; the Court within the time and in the manner before directed, ſhall certify a true and authentic Copy of ſuch original papers; and that the original of each copy tranſmitted, is ſo entered in ſuch book. But the Court ſhall nevertheleſs tranſmit the original petition of Appeal; the original anſwer, or other ſeparate pleadings of the parties; and the original exhibits which ſhall have been delivered in, or produced by the parties, and read in the courſe of the cauſe before the Court; if they be forthcoming, in the manner before required. In caſes where any original paper ſhall have been miſlaid or loſt, and a copy of it ſhall have been entered in any book or proceedings; the copy ſhall be deemed to be the original; and the Court ſhall tranſmit a copy of it to the Sudder Adawlut, and in like manner to certify it, and that after due ſearch, the original cannot be found.

Copies of all the original papers tranſmitted attested by the Seriſtadar to be depoſited amongſt the Records of the Court.

Copies to be deemed records, and to be received in evidence.

Copies of original papers to be ſent to the Sudder Adawlut where the originals cannot be ſent for the reaſons herein ſpecified.

Recorded copies of original papers not forthcoming, to be deemed the originals, and copies of them to be forwarded and certified as herein required.

XII. If the Sudder Adawlut ſhall confirm the decree of the Provincial Court, it ſhall adjudge Intereſt, at the rate of one per Cent per menſem on all ſums; receivable by the reſpondent under the decree: and the Sudder Adawlut is authoriſed to puniſh appeals which may appear to it to be litigious, by a fine to Government, proportionate to the condition of the party, and the circumſtances of the caſe.

Intereſt to be allowed on ſums adjudged by the decree appealed from, if confirmed, and litigious Appeals to be puniſhed by fine.

XIII. All proceſs, both to parties and witneſſes; and every rule or order for the execution of a decree or final order; and every other order whatever; which may iſſue from the Sudder Adawlut, ſhall be written or printed in ſuch of the languages of the Country, as the Court may direct; and ſhall be ſealed with the Seal of the Court, and ſigned by the Regiſter. All ſuch proceſs, rules, and orders, which are to be ſerved or executed on any parties, witneſſes, or perſons, (excluſive of the parties, vakeels or perſons in actual attendance on the Court) ſhall be directed to the Provincial Court. Every ſuch proceſs, rule, and order, ſhall limit a certain time in which it is to be ſerved, executed and returned to the Sudder Adawlut. If the Provincial Court to whom any proceſs, rule, or order whatever may be directed, ſhall wilfully diſobey; or neglect to perform the commands contained in it; or make a falſe return; the Judges of the Court who may commit ſuch offence, ſhall be liable to be ſuſpended from their Office by the Sudder Adawlut. If the Sudder Adawlut ſhall ſuſpend any Judge or Judges of the Provincial Court, under this Section, they are to notify the ſuſpenſion to the Governor in Council, within ten days after it ſhall take place, together with the cauſe of it; and ſhall certify under the Seal of the Court, the proceedings, depoſitions and exhibits, and all other matters which may be neceſſary to enable the Governor in Council, to paſs a determination upon the ſuſpenſion; and to transmit to him on his requiſition, any further papers and proceedings reſpecting the cauſe,

All proceſs of the Sudder Adawlut (with the exceptions herein ſpecified) to be iſſued through the Provincial Court of Appeal.

Judges of the Provincial Court liable to be ſuſpended by the Sudder Adawlut for refuſing or omitting to obey or to conform to their proceſs or requiſitions.

Sudder Adawlut to report to the Governor in Council, the ſuſpenſion of Judges under this Section within ten days.

Caſes in which the Court may iſſue proceſs to parties or witneſſes immediately through the Zillah Courts.

cauſe, which he may deem neceſſary for his information. But the Sudder Adawlut is empowered, in caſes in which for the ſake of expedition, or other purpoſe, it ſhall judge it expedient ſo to do; to iſſue any proceſs to parties or witneſſes immediately through the proper Zillah Court; inſtead of directing it in the firſt inſtance to the Provincial Court of Appeal. In ſuch caſes, the proceſs ſhall be executed and returned directly to the Sudder Adawlut; and the Judge to whom it ſhall be directed ſhall be ſubject to like penalties for making a falſe return; or other default in the execution of the orders contained in the proceſs; as he would have been liable to, had the proceſs been iſſued from the Provincial Court.

Proceſs of the Sudder Adawlut how to be ſerved by the Courts.

XIV. In all caſes in which proceſs, either to a party or witneſs, and all proceſs whatever, and every rule or order, for the execution of any decree or final order; or any order relating to a cauſe depending in the Sudder Adawlut, which may be directed by ſuch Court to the Provincial Court of Appeal; the Court to whom the proceſs ſhall be directed ſhall execute the order contained in the proceſs, rule or order: and return it ſo executed within the time limited; or return to the Sudder Adawlut good and ſufficient reaſon why it has not been ſerved or executed. When any proceſs, rule, decree, or order, for the execution of any decree or final order; or any order whatever; ſhall be tranſmitted by the Sudder Adawlut to the Provincial Court of Appeal to be ſerved or executed; the return to ſuch proceſs, rule, order, or decree, ſhall be made by the Court; either by endorſement on the proceſs, rule, order, or decree; or be written on a paper firmly annexed to it; and if the return be made in the laſt mentioned manner; there ſhall be an endorſement on the proceſs, rule, order or decree, referring the Sudder Adawlut to the return contained in ſuch annexed paper: and the Court ſhall cauſe a copy of the proceſs, rule, order, or decree; together with the return to it, to be depoſited amongſt the Records of the Court. And in all caſes in which

To return the proceſs executed, or reaſons why it has not been executed.

Form and manner in which the return is to be made.

Court to cauſe a copy of the proceſs and return to be depoſited amongſt the records of the Court.

which the Sudder Adawlut ſhall tranſmit any order, or proceſs to be ſerved, or executed by the Provincial Court, againſt a party in a cauſe; and the party on whom it is to be ſerved or executed ſhall not after diligent ſearch, be found; or ſhall have abſconded; or ſhall have ſhut himſelf up in his own or any houſe or building; or ſhall retire to any place ſo that the proceſs cannot be ſerved upon him; the Court to which the proceſs ſhall have been directed, ſhall cauſe to be fixed up in ſome conſpicuous part of the room in which the Court ſhall be held, a writing in the Perſian and Guzeratty languages and characters (or Perſian and Concannee in reſpect to Salſette and its dependencies) containing a copy of the order or proceſs; and a notice that if the party ſhall not obey the exigence of it within the time limited; the Sudder Adawlut will, without further notice, proceſs, or order, proceed exparte to hear, try, and determine the cauſe to which ſuch proceſs or order may relate: and the Court ſhall likewiſe cauſe a copy of ſuch writing, to be fixed up, with all practicable diſpatch, on the outer door of the houſe in which the party ſhall have commonly dwelt; or in ſome conſpicuous place in the Village in which he may have uſually reſided, and to return to the Sudder Adawlut in the manner before directed, how he has executed the proceſs.

Court how to proceed in caſe any ſuch proceſs cannot be ſerved upon the party in conſequenſe of his abſconding or otherwiſe avoiding it.

Court to fix up a writing in the Court room, and at the place of reſidence of the party.

What the writing is to contain.

XV. If the Provincial Court of Appeal ſhall return that the party has abſconded; or ſhut himſelf up in his own or any houſe or building; or retired to any place ſo that the proceſs could not be ſerved upon him, or that he was not after diligent ſearch to be found; and that the Court had cauſed the writing to be fixed up, in the places and manner directed; and the party ſhall not appear and obey the exigence of the proceſs, rule, or order; the Sudder Adawlut ſhall proceed exparte to try and determine the cauſe in which the proceſs, rule, or order, ſhall have iſſued; in the ſame manner as if the party had appeared and obeyed the exigence of the proceſs.

Sudder Aawlut to proceed exparte when the Provincial Court ſhall report that a party has abſconded, or was not to be found after the obſervance of the forms herein directed.

XVI.

Cases in which the Sudder Adawlut is empowered to take new Evidence in Appeals, or to refer them back for further Evidence to the Provincial Court.

XVI. The Sudder Adawlut is empowered in cases of Appeal, in which it shall appear to them that the original suit, has not been sufficiently investigated, in the Provincial Court of Appeal; or for any other cause which may be deemed reasonable by the Court; either to receive such further evidence as the Court shall think necessary for the just determination of the suit, and give judgment upon it; or to refer the suit back to the Provincial Court accompanied by such special directions to the Provincial Court, with regard to the new evidence it is to receive respecting the suit, as may be deemed by the Court most conducive to justice, and the convenience of the parties and witnesses. But in every case in which the Sudder Adawlut shall exercise the power above vested in it; the Court shall enter upon the record of the trial, their reasons for having exercised it. In cases in which the Court shall judge it proper to receive such further evidence themselves, the Court is empowered, according as it shall deem most conducive to justice (respect being had to the nature of the cause and the evidence) either to examine the witnesses to be produced, vivâ você in open Court; first causing the witnesses to be sworn, and their depositions to be reduced into writing; and signed by the deponents respectively; or, to authorize the Register of the Court to swear the witnesses and take their depositions; and to cause the deponents to sign them, and to authenticate them with their signatures. The Register in such case, shall examine the witnesses in the presence of both parties, or their vakeels, who are to be at liberty to put any questions to the witnesses that they may think proper; and the questions, with the answers to them, are in the same manner to be reduced into writing, signed, and authenticated. But if due notice be given to the parties, or their vakeels, of the examination of any witness or witnesses before the Register; and he or they shall not attend at the time of the examination, the Register shall proceed in the examination as before directed, and the depositions shall be received as good and authentic evidence.

Sudder Adawlut to state their reasons on the record of the trial, whenever they may exercise the powers above vested in them Court empowered to hear the Evidence in the cases above specified vivâ você or to order their Register to take it.

XVII.

Cases in which the Sudder Adawlut may diſpenſe with the Oaths of witneſſes.

XVII. The Sudder Adawlut may diſpenſe with the Oaths of the deſcriptions of witneſſes which the Zillah Courts are authorized to exempt from taking Oaths, on their ſigning in open Court, the declarations, which are required to be ſubſcribed by ſuch witneſſes in the Zillah Courts. Where witneſſes ſhall be women of the deſcription ſpecified in ſection VI. Regulation II. 1800, or ſhall reſide out of the juriſdiction of the Court, the Court ſhall grant ſuch commiſſions as the Zillah Courts are authorized to grant, for the examination of ſuch witneſſes upon ſimilar occaſions. And the Sudder Adawlut may iſſue ſuch commiſſions to creditable women, and ſend ſuch letters to the Provincial Court, for the examination of witneſſes in the caſes in which the Judges of the Zillah Courts are authoriſed to ſend ſuch commiſſions and letters.

or direct their evidence to be taken by Commiſſion.

Sudder Adawlut how to proceed where witneſſes do not attend, or refuſe to be ſworn, or to give their depoſitions, or any perſons are guilty of contempt of Court or perjury.

XVIII. If a witneſs duly ſummoned ſhall not attend; or attending, ſhall refuſe to be ſworn or give evidence, or to ſubſcribe his depoſition, or if ſuch witneſs, or any perſon ſhall be guilty of wilful or corrupt perjury in a cauſe depending in the Court, or any contempt of Court, in open Court, the Sudder Adawlut ſhall proceed with ſuch witneſs or perſon in the ſame manner, as the Provincial Courts are authoriſed to deal with the witneſſes or perſons in like manner offending.

Court to diſmiſs Appeals if the appellants omit to proceed in them within ſix weeks without ſhewing ſufficient cauſe for the omiſſion.

Reaſons for the diſmiſſion of the Appeal to be recorded.

XIX. If the Appellant in an Appeal, filed in the Sudder Adawlut, ſhall not proceed in the Appeal for ſix weeks, the Appeal ſhall be diſmiſſed: unleſs the appellant ſhall ſhow reaſonable cauſe to the ſatisfaction of the Court, for not proceeding in it, and the Court ſhall if it ſhall deem it equitable ſo to do, award to the reſpondent coſts of ſuit. But in all ſuch caſes, the Court ſhall enter at large upon it's proceedings, the grounds upon which it may permit or refuſe to allow the appellant to proceed.

No perſons to be heard vivâ você, in any ſtage of a cauſe excepting principals, their witneſſes, or vakeels duly empowered.

XX. In ſuch ſuits as by any regulation ſhall be authoriſed to be tried in the firſt inſtance before the Sudder Adawlut, and in Appeals that ſhall be heard by that Court, no proceedings ſhall be held, nor any acts whatever done, either on behalf of plaintiff or defendant, or the appellant or reſpondent, excepting by the plaintiff or defendant, the appellant or reſpondent, reſpectively: or, by a vakeel admitted to plead in the Court under the eſtabliſhed regulations, nor by any vakeel before, his vukalutnamah ſhall have been filed in the Court: and no perſons excepting ſuch parties, or their witneſſes, or ſuch Vakeels, ſhall be heard, vivâ você, in any ſtage in the cauſe.

Sudder Adawlut empowered to order the Provincial Court to enforce decrees for ſums of money againſt Land holders by the ſame proceſs as thoſe Courts may enforce ſuch decrees paſſed by themſelves.

XXI. The Sudder Adawlut is empowered, in every caſe in which a ſum of money is decreed to be paid by a Zemindar, independent Talookdar, or other Landholder, to iſſue an order to the proper Provincial Court, to execute the decree; in the ſame manner as the Provincial Court is authorized to execute decrees, by which a ſum of money ſhall be decreed to be paid by any of the deſcriptions of perſons above mentioned.

Petitions of Appeal from deciſions founded on awards of arbitration to be diſmiſsed with coſts.

XXII. If a Petition of Appeal ſhall be preferred againſt the deciſion of the Provincial Court of Appeal, founded on an award of arbitration, it ſhall be diſmiſſed with coſts, unleſs it be fully proved to the ſatisfaction of the Court by the Oaths of two credible witneſſes, that the arbitrators have been guilty of groſs corruption, or partiality in the cauſe in which they ſhall have made the award.

Court empowered to authorize the Provincial and Zillah Courts, to make occaſional adjournments.

XXIII. The Sudder Adawlut is empowered to permit the Judges of the Provincial Court of Appeal, and the Zillah Courts; to adjourn their reſpective Courts, occaſionally, for any period not exceeding one month; ſo that ſuch adjournments collectively do not exceed two months in each year.

Sudder Adawlut how to proceed againſt zemindars, independent talookdars, or depen-

XXIV. If a Zemindar, independent Talookdar, or a dependent Talookdar, or other Landholder ſhall reſiſt; or cauſe to be reſiſted

reſisted, any proceſs, rule, order, or decree; which may at any time iſsue from the Sudder Adawlut; the Court on proof of the reſiſtance being made by oath to their ſatisfaction is to cauſe the offender to be ſummoned to anſwer to the charge. If the offender ſhall abſcond, or ſhut himſelf up in his own or any houſe, or in any building, or retire to any place, ſo that he cannot be ſerved with the Summons; the Court ſhall proceed againſt him in the manner directed with regard to other perſons abſconding or otherwiſe acting as above ſpecified, ſo that they cannot be ſerved with the proceſs of the Court. If the offender ſhall not appear within the preſcribed time, or if he ſhall appear, and, after receiving his anſwer to the charge, and hearing the evidence which he may produce in his defence; it ſhall be proved to the ſatisfaction of the Court, that he is guilty of the charge; the Court ſhall decree that the offender ſhall from the date of its decree, forfeit his Zemindarry; Talóok, or other eſtate, in which ſuch reſiſtance ſhall have been made; or, if the reſiſtance ſhall have been made out of the limits of the eſtate of the offender, the Zemindarry, Talook, or other landed property, which he may posses within the juriſdiction of the Zillah Court; to which the execution of the proceſs reſiſted ſhall have been committed. The Court ſhall immediately forward a Copy of their decree and proceedings to the Governor in Council. It ſhall be at the option of the Governor in Council on the receipt of a decree adjudging the lands of any perſon forfeited under this Section; either to order it to be executed; or to commute the forfeiture for ſuch fine as upon a conſideration of the ſituation and circumſtances in life of the offender, he ſhall think adequate to the offence for which the decree may be passed. If the Governor in Council commute the forfeiture for a fine; the Court, upon receiving notice of the fine that he ſhall impoſe, ſhall levy the amount of it, by the ſame proceſs by which they are directed to enforce their decrees. In the event of the Governor in Council, ordering the decree to be executed, the

dent talookdars or other Landholders who may reſiſt their proceſs.

Offender to be Summoned to anſwer for his conduct.

Court how to proceed if the offender ſhall not obey the Summons.

Decree to be paſſed if the offender ſhall not appear, or ſhall appear, and be proved guilty of the charge.

A copy of the decree to be ſent to the Governor in Council.

If the lands are decreed forfeited, the Governor in Council may confirm the decree or commute the forfeiture for a fine.

If the forfeiture is commuted for a fine, how the amount is to be levied.

If the decree is declared, final, the Court is to iſſue a proceſs to the Collector to ſequeſter the lands.

the Court ſhall iſſue a precept, under the ſeal of the Court, and the ſignature of the Regiſter, requiring the Collector of the Revenue of the Zillah to depute an aumeen with a proper eſtabliſhment of officers (whoſe allowances ſhall be ſpecified in the precept) to ſequeſter the lands, and collect the rents and revenues. If the lands of the defaulter ſhall be deemed by the Court too inconſiderable, to admit of their being charged with the expenſe of an aumeen, the Court ſhall direct a precept to be iſſued to the Collector of the Zillah, to order the neareſt Tehſeeldar, or other officer employed under him in the buſineſs of the collections, to take charge of the lands. The officer ſhall perform the duties preſcribed to aumeens in ſuch caſes; and under the ſame reſtrictions and penalties.

How lands forfeited under Section XXIV are to be diſpoſed of.

XXV. If the decree adjudging the lands of the offender forfeited ſhall be confirmed; or ſtand good under Section XXIV. it ſhall be at the option of the Governor in Council; either to confer the rights which the offender poſſeſſed in the lands on his heirs, upon their agreeing to make good all ſums, whatever, which ſhall be due to Government from the offender on account of the lands forfeited, and to pay the fixed public revenue aſſeſſed upon them; or, if it be a dependent Talookdar, the revenue payable from it to the proprietor within whoſe eſtate it ſhall be ſituated; or, to order the lands to be diſpoſed of at public ſale.

Sudder Adawlut how to proceed againſt perſons holding farms of Government, who may reſiſt their proceſs. Offender to be ſummoned to anſwer for his conduct.

Court how to proceed, if the offender ſhall not obey the Summons.

XXVI. If a farmer of land, holding a farm immediately of Government, ſhall reſiſt, or cauſe to be reſiſted, any proceſs, rule, order, or decree, which ſhall at any time iſſue from the Sudder Adawlut; the Court on proof of the reſiſtance being made by Oath to their ſatisfaction, are to cauſe the offender to be ſummoned to anſwer to the charge. If the offender ſhall abſcond, or ſhut himſelf up in his own or in any houſe, or building, or retire to any place ſo that he cannot be ſerved with the ſummons, the Court ſhall proceed againſt him in the

manner

manner directed with regard to other perſons abſconding; or otherwiſe acting as above ſpecified, ſo that they cannot be ſerved with the proceſs of the Court. If the offender ſhall not appear within the preſcribed period; or if he ſhall appear within the limited time; and after receiving his anſwer to the charge, and hearing the evidence which he may have to produce in his defence, it ſhall be proved to the ſatisfaction of the Court, that he is guilty of the charge, the Court ſhall decree the leaſe cancelled, from the expiration of the Revenue year in which the decree ſhall be paſsed. The Sudder Adawlut ſhall immediately forward a copy of the decree and proceedings to the Governor in Council. It ſhall be at the option of the Governor in Council, on the receipt of a decree adjudging the leaſe of a farmer annulled under this Section, either to order the decree to be executed; or to commute the forfeiture of the leaſe for ſuch fine, as upon a conſideration of the ſituation and circumſtances in life of the defaulter, he ſhall think adequate to the offence for which the decree ſhall be paſſed: or, if the offender ſhall not be deſirous of being continued in his farm, to fine him as above preſcribed; and compel him to retain the farm during the remainder of the leaſe; and to hold him and his ſurety reſponſible for the diſcharge of their engagements, until the term of them ſhall expire. If a fine ſhall be impoſed upon the offender; the Court, upon receiving notice of the fine, ſhall levy the amount of it by the ſame proceſs as is preſcribed for enforcing decrees of the Court. If the leaſe of the offender ſhall be annulled; and a balance ſhall be due from him to Government at the cloſe of the year in which the leaſe ſhall be cancelled; both he and his ſurety ſhall be held reſponſible for the payment of the amount and the Collector of the Revenue of the Zillah is empowered to proceed againſt them for the recovery of it; agreeably to the rules in that reſpect eſtabliſhed. The offender is permitted to proſecute, in the Adawlut of the Zillah in which the farm ſhall be ſituated, the dependent Talookdars

Decree to be paſſed by the Court, if the offender ſhall not appear, or ſhall appear & be proved guilty of the charge.

A copy of the decree to be ſent to the Governor in Council.

Option reſerved to the Governor in Council to confirm the decree, or commute it for a fine, and to compel the farmer to perform the conditions of his leaſe.

How ſuch fines are to be levied.

If the leaſe of the offender ſhould be annulled; how balances due from him are to be recovered.

Farmers whoſe leaſes may be cancelled how to recover balances.

Talookdars Under Farmers, and Ryots in the lands included in the farm, for any arrears of rent or revenue which ſhall be due from them to him, on account of the period, during which his leaſe remained in force.

Court how to proceed againſt perſons reſiſting proceſs who are not landholders, talookdars or farmers.

XXVII. If any perſon not being a Zemindar, independent Talookdar, or other Landholder, or a dependent Talookdar, or a Farmer of land, holding a farm immediately of Government, ſhall reſiſt, or cauſe to be reſiſted, any proceſs, rule, order, or decree, which ſhall at any time iſſue from the Sudder Adawlut; the Court, on proof of the reſiſtance being made by Oath to it's ſatisfaction, ſhall cauſe the offender to be ſummoned to anſwer for his conduct.

Offender to be ſummoned to anſwer for his conduct.

Court how to proceed if the offender ſhall not obey the ſummons.

moned to anſwer to the charge. If the perſon for whom the Summons may be iſſued ſhall abſcond, or ſhut himſelf up in his own, or in any houſe or building, or retire to any place ſo that he cannot be ſerved with the Summons, the Court ſhall proceed againſt him in the manner directed with regard to other perſons abſconding, or otherwiſe acting as above ſpecified, ſo that they cannot be ſerved with the proceſs of the Court. If the offender ſhall not appear within the preſcribed period, or, if he ſhall appear within the limited time, and after receiving his anſwer, and hearing the evidence which he may have to produce in his defence, it ſhall be proved to the ſatisfaction of the Court, that he is guilty of the charge, the Court ſhall adjudge the offender to pay ſuch fine to Government as may appear to it proper, upon a conſideration of his ſituation and circumſtances in life, and the offence for which the decree may be paſſed. The Court ſhall proceed to levy the amount, by the ſame proceſs, by which it is empowered to carry its decrees for ſums of money into execution.

How the Court is to enforce payment of the fine.

Proceedings of the Sudder Adawlut how to be numbered marked, dated and ſigned.

XXVIII. The Petition of Appeal, pleadings, depoſitions, and exhibits in the Sudder Adawlut, ſhall be numbered, marked, dated and ſigned by the Regiſter, in the ſame manner as the complaint, pleadings, depoſitions, and exhibits, are order-

ed

ed to be numbered, marked, dated, and ſigned by the Regiſters in the Zillah Courts. The decrees ſhall be ſigned by the Judges preſent in the Court when the decrees ſhall be paſſed, and atteſted by the Regiſter; and copies ſo ſigned and atteſted ſhall be delivered to the parties.

Decrees to be ſigned by the Judges, and atteſted by the Regiſter, and copies to be delivered to the parties.

XXIX. The Provincial Court is to furniſh the Sudder Adawlut with tranſlates of all papers written in the Country languages; which they may tranſmit to the Court, whether relating to cauſes appealed, or other matters.

Provincial Court to furniſh tranſlates of papers in the country languages which they may tranſmit to the Sudder Adawlut.

XXX. In caſes for which no ſpecific rules ſhall exiſt, the Sudder Adawlut ſhall act according to juſtice, equity, and good conſcience.

Court how to act in caſes for which no rule may exiſt.

XXXI. An Appeal ſhall lie from the deciſion of the Sudder Adawlut, to the King's moſt Excellent Majeſty and His Moſt Honorable Privy Council, in all Civil Suits, the value of which ſhall be five thouſand Pounds and upwards.

Appeal to his Majeſty in Council.

XXXII. *Firſt.* All perſons deſirous of appealing from a judgment of the Court of Sudder Adawlut to the King in Council are required to preſent their Petition of Appeal to the Court of Sudder Adawlut, either themſelves or through one of the authorized pleaders of the Court, duly empowered to preſent ſuch Petition in their behalf, within ſix Calendar months from the date on which the judgment appealed againſt ſhall have been paſſed; under which provision, and provided alſo the judgment appealed against ſhall, excluſive of costs of ſuit, be to the value of forty thouſand Bombay or Surat Rupees and upwards, the Court of Sudder Adawlut ſhall admit the Appeal; and proceed upon it, as directed in the following Sections of this regulation, under the ſeveral reſtrictions therein preſcribed.

Petitions of Appeal to the King in Council ſhall be preſented to the Sudder Adawlut within ſix months; and ſuch Appeal to be admitted provided the judgment appealed againſt ſhall, excluſive of coſts amount to forty thouſand Rupees &c upwards.

*Second.* For the purpoſe of determining what cauſes are appealable to His Majeſty in Council, under the limitation of five

Appealable ſum to be computed at the rate of eight

Bombay or Surat Rupees Per £ Sterling.

five thouſand pounds and upwards; the pound ſterling ſhall be computed at the rate of Eight Bombay or Surat Rupees; and conſequently, making five thouſand pounds equivalent to forty thouſand current Bombay or Surat Rupees.

Value of property to be computed according to the general rules preſcribed in like caſes for the guidance of the Sudder Adawlut.

The value of the property conſtituting the ſubject of the judgment appealed againſt, ſhall be determined according to the nature of ſuch property; whether land, money, effects, or otherwiſe; according to the general rules preſcribed in like caſes for determining the value of the ſame property, when conſtituting the cauſe of action in the Sudder Adawlut, and the ſeveral Civil Courts ſubordinate thereto.

The Court may either order their judgment to be carried into execution, taking ſecurity from the party in whoſe favor the decree may have been paſſed to abide the event of the Appeal, or ſuſpend the execution, taking the like ſecurity from the party left in poſſeſſion.

XXXIII. In caſes of Appeal to His Majeſty in Council, the Court of Sudder Adawlut may either order the judgment paſſed by it to be carried into execution, taking ſufficient ſecurity from the party in whoſe favour the ſame may be paſſed, for the due performance of ſuch order, or decree, as His Majeſty in Council ſhall think fit to make on the Appeal: or to ſuſpend the execution of its judgment during the Appeal, taking the like ſecurity, in the latter caſe, from the party left in poſſeſſion of the property adjudged againſt him: but in all caſes, ſecurity ſhall be given by the Appellants to the ſatisfaction of the Sudder Adawlut for the payment of all ſuch coſts as the ſaid Court ſhall think likely to be incurred by the Appeal; as well as for the performance of ſuch order or judgment, as His Majeſty in Council, his heirs or ſucceſſors, ſhall think fit to give thereupon: and after receiving ſuch ſecurity, the Court of Sudder Adawlut ſhall declare the Appeal to be admitted; and ſhall give notice thereof to the appellant and reſpondent reſpectively; that they may take meaſures, the one to proſecute, and the other to defend, the Cauſe in Appeal before his Majeſty in Council, according to the eſtabliſhed mode of proceeding.

Appellants in all caſes to give ſecurity for payment of Coſts, and for the performance of the final order or judgment on the Appeal.

Appeal to be declared admitted on receiving ſuch ſecurity, and notice to be given to the parties to proſecute and defend the ſame according to the eſtabliſhed mode of proceeding.

In all caſes of Appeal, two copies of all proceedings to be prepared in Engliſh, and

cauſe

cauſe two exact copies to be made, of all the proceedings held, and judgments or orders given in the caſe appealed; including the whole of the evidence and documents, (tranſlated into Engliſh, if the original documents be in any of the Country languages) and are to tranſmit the ſame, as ſoon as prepared, under their official Seal, and the ſignature of their Regiſter, to the Governor in Council, for the purpoſe of being forwarded by the firſt ſecure and ſeparate conveyance to His Majeſty in Council. The Register to the Sudder Adawlut ſhall alſo, on the application of the appellant, or reſpondent, furniſh him or them with one or more copies of the proceedings held, and judgments or orders paſſed in the caſe appealed; provided they ſhall reſpectively agree to defray ſuch expenſe as shall be incurred thereby, but not otherwiſe: and the Regiſter ſhall not deliver ſuch copies when prepared without the previous payment of the expenſe incurred thereby; the amount of which ſhall be carried to the credit of Government, by whom the neceſſary expenditure on this account will be made in the firſt inſtance.

tranſmitted under the Official ſeal and ſignature of the regiſter, to the Governor in Council, to be forwarded to His Majeſty in Council.

The parties alſo to be furniſhed with Copies of the proceedings on application, provided they agree to pay the expenſe of preparing the ſame.

XXXV. In caſe the judgment appealed from, ſhall have been paſſed in purſuance of any local order, regulation or regulations, enacted by the Governor in Council or, in caſe any ſuch regulation ſhall have been referred to in the judgments paſſed by any of the Courts, wherein the cauſe appealed from ſhall have been tried and decided; a copy of ſuch regulation or regulations, or an extract therefrom, containing all that has reference to the matter at iſsue, ſhall be annexed to the ſeveral copies of the proceedings prepared in conformity to the preceding Section; whether for delivery to the parties, or for tranſmiſſion to his Majeſty in Council.

Copies of any local regulation under which the Judgment may have been paſſed, or which may have been referred to, is to accompany the proceedings.

XXXVI. Provided always, that nothing in this regulation is to be underſtood to bar the full and unqualified exerciſe, of His Majeſty's pleaſure, upon all appeals to him from the deciſions

Nothing herein contained to be underſtood to bar the exerciſe of His Majeſty's pleaſure upon all Appeals to him either in reject-

ing or admitting ſuch as he may think proper under the Act or Acts of Parliament.

ſions of the Sudder Adawlut; either in rejecting any he may conſider inadmiſſible, under the Act or Acts of Parliament; or in receiving any he may judge admiſſible, notwithſtanding the proviſions made in this regulation; which has reference to the local jurisdiction only, and particularly to that of the Sudder Adawlut, as a neceſſary rule for it's guidance.

Sudder Adawlut authorized to grant in certain caſes a review of the proceedings referred to them for that purpoſe from the Provincial and Zillah Courts.

XXXVII. Whereas by the Regulations in that reſpect eſtabliſhed, the Zillah and Provincial Courts, are authorized to conſent to a review of decrees paſſed by them, in ſuits, not appealable to a ſuperior Court; the Court of Sudder Adawlut, in caſes ſo referred to them, in that reſpect, by the Zillah and Provincial Courts, as well as in all caſes wherein petitions may be preferred to them for a reviſion of their own judgments, not open to an Appeal to his Majeſty in Council, are authorized to grant the review deſired, if, on due conſideration of the reaſons urged for the ſame, the circumſtances of the caſe appear in juſtice to require it; ſuch, for inſtance, as an error in judgment appearing on the face of the decree; or the diſcovery of new matter or evidence which could not be had, or uſed at the time when the decree was paſſed; but no new evidence or matter then in the knowledge of the parties, which might have been uſed before, ſhall be a ſufficient ground for granting a review, unleſs, for ſpecial reaſons, the Court of Sudder Adawlut ſhould ſee juſt cauſe to admit the ſame, in which caſe ſuch reaſons are to be recorded at large in their proceedings. The Court is further authorized, whenever it may judge it proper to grant a review, to direct the admiſſion or rejection of any new evidence that may be offerred as well as generally to paſs ſuch orders upon the caſe, as they may deem juſt and equitable; and all orders ſo paſsed by the Court (except in caſes appealable to his Majeſty in Council) ſhall be deciſive and final.

Alſo to admit of a reviſion of their own in caſes not appealable.

But no evidence, or matter which might have been before uſed to be a ſufficient ground for granting a review except for ſpecial reaſons, to be recorded.

Sudder Adawlut authorized to direct the admiſſion or rejection of new evidence in certain caſes; and to paſs ſuch orders as they may deem juſt, and ſuch orders to be final, except in caſes appealable to His Majeſty in Council.

XXXVIII. Whereas the requiring the depoſitions of witneſſes to be reduced into writing, and filed of record, is productive of much expence and delay in cauſes where the value of

Court, where the matter in diſpute does not admit of an Appeal, may direct depoſitions to be filed of record or not.

the

the matter in diſpute cannot be made the ſubject of Appeal, it ſhall be in the diſcretion of the Sudder Adawlut, in all ſuch caſes, either to direct the depoſitions of witneſſes, to be reduced into writing, and filed of record, or not, as the Court ſhall think fit in each particular caſe.

Rules for the guidance of the Sudder Adawlut on a report of negligence or miſconduct in any of the Judges or officers of the Civil Courts.

XXXIX. Whenever a report of negligence, or miſconduct in the diſcharge of official duty, ſhall be made to the Court of Sudder Adawlut, either in purſuance of the latter part of Section X. Regulation VI. 1812, or of Section X. Regulation IV. 1800, or in any caſe not expreſsly provided for by the Regulations, the Court of Sudder Adawlut after ſuch enquiry as ſhall be judged neceſsary, in proof or explanation of the circumſtances ſtated, ſhall, if the caſe appear to require the notice of the Governor in Council, report the ſame to him, with a copy of all proceedings and papers received on the ſubject of it, for ſuch orders as may be judged proper. The Court of Sudder Adawlut is directed to report to the Governor in Council, all inſtances of wilful neglect of duty, or aggravated miſconduct by a covenanted ſervant of the company, employed in any of the Civil Courts; whether in a judicial or miniſterial capacity; and whether ſuch neglect or miſconduct ſhall have been reported to the Court of Sudder Adawlut, by a Provincial, or Zillah Court; or ſhall otherwiſe appear from the proceedings and papers before the Court. But if the caſe ſhould appear to the Court, to involve an error of judgment only, or a ſlight default, for which an admonition from the Court ſhall be deemed a ſufficient correction; the Court of Sudder Adawlut, in the former caſe, is authorized to notice the error for the information and guidance of the party who may have committed it; or, in the latter caſe, to adviſe him of his default, and to admoniſh him accordingly.

In what caſes Court to report to the Governor in Council.

Errors of judgment or ſlight defaults how to be corrected.

Cauſes how to be diſtinguiſhed in the Monthly Regiſters.

XL. That the Sudder Adawlut, and the Provincial Court of Appeal, may be apprized of the nature and number of the cauſes decided monthly by the Regiſters to the Zillah Courts, their

their Aſſiſtants and Native Commiſſioners; a liſt of the cauſes determined by them in each month ſhall be ſubjoined to the monthly abſtract regiſter of cauſes decided by the Judge required to be tranſmitted to the Sudder Adawlut, by Section XI. Regulation VI. 1802 and a counterpart of which is to be alſo forwarded to the Provincial Court of Appeal, and the Judges ſhall likewiſe diſtinguiſh in their monthly Abſtract Regiſters, ſuch deciſions as they may paſs in Appeal from the decrees of the Regiſters, their Aſſiſtants and Native Commiſſioners; ſo that the Sudder Adawlut may be informed of the number of Appeals ſo preferred, and the deciſions upon them; and in the half yearly report of cauſes undecided, required to be tranſmitted to the Sudder Adawlut by Section XII. of that Regulation, a counterpart of which is in like manner to be furniſhed to the Provincial Court of Appeal, the Judges are likewiſe to diſtinguiſh ſuch of the ſuits as may be depending in Appeal before them from the deciſions of their Regiſters, their Aſſiſtants and Native Commiſſioners and alſo the ſuits that may be under trial before their Regiſters, their Aſſiſtants and Native Commiſſioners.

Regiſter to ſubmit to the Court a monthly report on the abſtract regiſters of the Zillah Courts.

XLI. By the laſt day of each month, the Regiſter to the Sudder Adawlut, ſhall prepare to be ſubmitted to the Court at its next meeting, a general report on the Abſtract Regiſters, required to be furniſhed by the Zillah Courts by Section XI. Regulation VI 1802. for the preceding month. The report is to ſpecify the number of ſuits appearing in the Abſtract Regiſter of each Court, to have been determined by the Judge, and by his Regiſter or his Aſſiſtant or by the Native Commiſſioners, or adjuſted by the parties.

Regiſter to ſubmit a monthly report on the abſtract regiſters of the Provincial Court.

XLII. The regiſter is likwiſe to prepare, by the laſt day of each month, to be ſubmitted to the Court at its next meeting, a report on the Abſtract Regiſters required to be furniſhed by the Provincial Court of Appeal by Section XXXVIII. Regulation

VI.

VI. 1812, ſpecifying the number of Appeals and cauſes determined, or adjuſted in the Courts in the preceding month.

Report to be ſubmitted by the Regiſter on the half yearly reports of the Zillah Courts of cauſes remaining undecided.

XLIII. On the 15th of February, and the 15th of Auguſt in each year, or at the firſt Court, which may be held after thoſe dates reſpectively; the Regiſter ſhall ſubmit to the Court, a report on the laſt half yearly reports of cauſes depending in the Zillah Courts, which they are required to furniſh by Section XII. Regulation VI. 1802. The report ſhall ſpecify the number of cauſes depending before the Judge, the Regiſter, his Aſſiſtant and the native Commiſſioners, in each Zillah; and the number of cauſes depending in the preceding half yearly report; ſo as to exhibit a comparative ſtatement of the number of ſuits depending at the period of the transmiſſion of the two reports. The Regiſter is to annex to his Report, a Summary of the reaſons aſſigned by the ſeveral Courts for any cauſes remaining undecided, which may have been inſerted as depending in any of their preceding half yearly reports.

Alſo a report of Suits depending in the Provincial Court of Appeal previous to the laſt half yearly reports.

XLIV. The Regiſter is likewiſe to ſubmit with the report required in the preceding Section, a ſimilar report on the cauſes depending in the Provincial Court of Appeal, as appearing in their two laſt half yearly reports.

To notice what abſtract regiſters or reports have not been tranſmitted.

XLV. In the event of any of the Zillah Courts, or the Provincial Court of Appeal, omitting to forward their monthly Abſtract Regiſters, or half yearly reports, in time to enable the Regiſter to ſubmit the reports and Statements above required; he is to notice the omiſſion in his report, with the reaſons for the deficient reports not having been forwarded; ſhould any have been aſſigned by the Courts.

Rules for facilitating the preparing of the Regiſter's reports.

XLVI. *First.* To enable the Regiſter to prepare the required reports and ſtatements with greater facility the following rules are preſcribed.

*Second*

*Second.* The Judges of the Zillahs are directed to inſert at the bottom of their monthly abſtract Regiſters, an Abſtract of the number of cauſes determined as follows:

By the Judge.

In Appeal from deciſions of the Regiſter.

| | | |
|---|---|---|
| Decreed or diſmiſſed - - - | 2 | |
| Adjuſted by razenamahs of the parties | 2 | |
| | | — 4 |

In Appeal from the decisions of the Aſſiſtant Regiſter.

| | | |
|---|---|---|
| Decreed or diſmiſſed - - - - | 2 | |
| Adjuſted by razenamahs of the parties - | 2 | |
| | | — 4 |

In Appeal from deciſions of the native Commiſſioners.

| | | |
|---|---|---|
| Decreed or diſmiſſed - - | 2 | |
| Adjuſted by razenamahs of the parties - | 2 | |
| | | — 4 |

Tried in the firſt inſtance by the Judge.

| | | |
|---|---|---|
| Decreed or diſmiſſed - - | 2 | |
| Adjuſted by razenamahs of the parties | 2 | — 4 |
| | | 16 |

By the Register.

| | | |
|---|---|---|
| Decreed or diſmiſſed - - | 2 | |
| Adjuſted by razenamahs of the parties - | 2 | |
| | | — 4 |

By the Assistant Register.

| | | |
|---|---|---|
| Decreed or diſmiſſed - - - | 2 | |
| Adjuſted by razenamahs of the parties - | 2 | |
| | | — 4 |

By the Native Commissioners.

| | | |
|---|---|---|
| Decreed or diſmiſſed - - - | 2 | |
| Adjuſted by razenamahs of the parties - | 2 | |
| | — | 4 |
| Total | | 28 |

*Third.* The Judges of the Zillahs are to inſert at the bottom of their half yearly reports of cauſes remaining undecided, the number of ſuits depending as follows.

Depending before the Judge.

| | | |
|---|---|---|
| In Appeal from deciſions of the Regiſter - | 2 | |
| In Appeal from deciſions of the Aſſiſtant Do. | 2 | |
| In Appeal from deciſions of the Commissioners | 2 | |
| Under trial before the Judge in the first inſtance | 2 | |
| | — | 8 |
| Depending before the Register - - - | 2 | |
| Depending before the Aſſiſtant Regiſter - | 2 | |
| Depending before the Commiſſioners - - | 2 | |
| | — | 6 |
| Total | | 14 |

*Fourth.* The Provincial Court of Appeal is to inſert at the bottom of its monthly abſtract Regiſters, an abſtract of the number of Appeals or cauſes determined by them in the month as follows:—

Appeals.

| | | |
|---|---|---|
| Decreed or diſmiſſed - - - - | 2 | |
| Adjuſted by razenamahs of the parties - | 2 | |
| | — | 4 |

Cauſes tried before the Court in the firſt inſtance.

| | | |
|---|---|---|
| Decreed or diſmissed - - - - | 2 | |
| Adjuſted by razenamahs of the parties - | 2 | |
| | — | 4 |
| Total | | 8 |

*Fifth*

*Fifth.* The Provincial Court of Appeal is to inſert at the bottom of its half yearly reports, an abſtract of the number of Appeals or cauſes depending before them as follows:

| | |
|---|---|
| Appeals - - - - - - - | 2 |
| Cauſes under trial before the Court in the first inſtance - - - - - - | 2 |
| Total | 4 |

13/14

Accompg No. 3016

A. D. Regulation 1812 - VIII

No. 5 of 14.

Received 1st February 1814

# A. D. 1812, REGULATION VIII.

A REGULATION *for the Provincial Court of Circuit for the Trial of Perſons charged with crimes or miſdemeanours*, PASSED *by the Governor in Council on the* 16*th December* 1812, *Correſponding with the* 13*th Margseer Sood Sumbut or Vickramajet Era*, 1869; *Salbahan* 1734; *and* 11*th Zilhuz* 1227 *Hejree*.

Preamble.

ON the 7th of May 1805, as declared in clauſe firſt Section III, Regulation II, 1805, a Provincial Court of Circuit conſiſting of three Judges and a Regiſter was inſtituted for the trial of Criminal offences for the diviſion of Broach; and generally comprehenſive, alſo, of the ſeveral territorial acquiſitions referred to in the Preamble to that Regulation: and, as the delivery of the Jails at the Northern Zillahs required the earlieſt attention of the Judges, they were directed, in the diſcharge of their functions to be guided by the preſcriptions in Regulation III. 1800, and by the other Regulations for the Zillah of Surat which had been framed, printed and publiſhed in the manner directed by Regulation I. 1799: thoſe proviſions, however, not having been found ſufficiently comprehenſive;

ſive; and it being expedient that a ſpecific Regulation ſhould be promulgated for the guidance of the Provincial Court of Circuit and for the Superior Tribunal of the Governor in Council, the following rules have been accordingly enacted.

Oath to be taken and ſubſcribed by the Judges of Circuit.

II. The Provincial Court of Circuit, as conſtituted on the 7th of May 1805, ſhall be compoſed of the Judges of the Provincial Court of Appeal; and previouſly to entering upon the execution of the duties of their office the Members are to take and ſubſcribe the following Oath before the Governor in Council, or ſuch perſon as he may commiſsion to adminiſter it.

"I. A. B. ſolemnly ſwear, that I will truly and faithfully execute the duties of Judge of the Court of Circuit; that I will adminiſter juſtice according to the Regulations that have been or may be enacted by the Governor in Council, to the beſt of my ability, knowledge and judgment, without fear, favour, promiſe, or hope of reward; and that I will not receive, directly or indirectly, any preſent or nuzzer, either in money or in effects of any kind, from any party, in any ſuit or proſecution, from any perſon whomſoever, on account of any ſuit or proſecution to be inſtituted, or which may be depending, or have been decided, in the Court of Circuit of which I am Judge; nor will I knowingly permit any perſon or perſons under my authority, or in my immediate ſervice, to receive, directly or indirectly, any preſent or nuzzer, either in money or in effects of any kind, from any party in any ſuit or proſecution, or from any perſon whomſoever, on account of any ſuit or proſecution to be inſtituted, or which may be depending or have been decided in the ſaid Court; nor will I, directly or indirectly, derive any advantage or emolument from my ſtation, excepting ſuch as the orders of Government do or may authorize.

So help me God."

The

Regiſters and aſſiſtants to the Regiſters of the Provincial Court of Appeal, and the Zillah Courts to be Regiſters & aſſiſtants to the Regiſters to the Court of Circuit.

III. The Regiſter and the aſsiſtants to the Regiſter, of the Provincial Court of Appeal ſhall be Regiſter, and aſsiſtants to the Regiſter of the Court of Circuit at the Sudder ſtation. The Regiſters, and aſsiſtants to the Regiſters, of the Zillah Courts ſhall alſo officiate in thoſe capacities to the Judge on Circuit at each ſtation. Previouſly to their entering upon the execution of the duties of their offices, reſpectively, they ſhall take and ſubſcribe the following Oath before the Court of Circuit.

Oath to be taken and ſubſcribed by them.

"I. A. B." Regiſter (or aſſiſtant to the Regiſter) to the Court of Circuit do ſolemnly ſwear, that I will truly and faithfully perform the duties of the Regiſter (or aſſiſtant to the Regiſter) to this Court according to the beſt of my knowledge and ability, and that I will not receive, directly or indirectly, any preſent or nuzzer, either in money or in effects of any kind, from any party in any ſuit or proſecution to be inſtituted, or which may be depending, or have been decided in the Court of Circuit of which I am Regiſter (or to the Regiſter of which I am aſſiſtant); nor will I directly or indirectly, derive any advantage or emolument whatever from my Office, excepting ſuch as the orders of the Governor in Council do or may authorize.

So help me God"

Cauzy Mufty and Pundit to the Court of Appeal, to be Cauzy Mufty and Pundit to the Court of Circuit, at the Sudder ſtation.

IV. The Cauzy Mufty and Pundit of the Provincial Court of Appeal, ſhall alſo be the Cauzy Mufty and Pundit of the Court of Circuit at the Sudder ſtation, and ſhall not be removable, except on proof to the ſatisfaction of the Governor in Council, that they are incapable, or have been guilty of miſconduct in the performance of their public duty, or of any act of flagrant profligacy in their private conduct. And the Cauzies, Mufties and Pundits of the Zillah Courts ſhall alſo officiate in thoſe capacities to the Judge on Circuit.

The Native officers of Zillah Courts to officiate as the Native officers to the Judge on Circuit.

V. The Cauzies, Mufties and Pundits of the Court of Circuit

cuit, previous to entering upon the execution of the duties of their offices, are to take and ſubſcribe the following Oath before the Court of Circuit.

Oath to be taken and ſubſcribed by the Native officers upon their firſt appointment.

"I. A. B. Cauzy (Mufty or Pundit) of the Court of Circuit ſolemnly ſwear, that I will truly and faithfully perform the duties of Cauzy (Mufty or Pundit) of the Court, according to the beſt of my knowledge and ability, and that I will not receive, directly or indirectly, any preſent or nuzzer, either in money or in effects of any kind from any party in any ſuit or proſecution to be inſtituted, or which may be depending or have been decided, in the Court of Circuit of which I am Cauzy (Mufty, or Pundit); nor will I, directly or indirectly, derive any advantage or emolument from my office, excepting ſuch as the orders of Government do or may authorize.

Half yearly Oath to be taken and ſubſcribed by the Cauzies Mufties and Pundits.

VI. At the expiration of every ſix months, that is, on the 1ſt of January and the 1ſt of July in each year, the Cauzies Mufties and Pundits of the Court of Circuit, ſhall take and ſubſcribe the following Oath.

"I. A. B. Cauzy (Mufty or Pundit) of the Court of Circuit ſolemnly ſwear, that from the 1ſt of January to the 30th June laſt, (or, from the 1ſt July to the 31ſt December laſt,) I have truly and faithfully executed the duties of Cauzy (Mufty or Pundit) of this Court, according to the beſt of my knowledge and ability, and that I have not received, directly or indirectly, any preſent or nuzzer, either in money or in effects of any kind, from any party in any ſuit or proſecution, which has been, or is to be inſtituted, or is depending, or has been decided, in the Court of Circuit of which I am Cauzy (Mufty or Pundit) nor have I directly or indirectly, derived any advantage or emolument from my office, excepting ſuch as the orders of Government have authorized me to receive."

VII.

VII. The Sherishtadars, and the other Native Officers of the Provincial Court of Appeal, shall be Sheristadars and Officers of the Court of Circuit.

Sheristadars, and other Native officers of the Provincial Court of Appeal, to be Sheristadars and officers of the Court of Circuit.

VIII. There shall be three general Goal deliveries annually in each Zillah; for which purpose, the Junior Judges shall make three Circuits in each year; setting out on the Circuit on the first of January, 1st of May and 1st of September. The Junior Judges are each to proceed to the places of residence of the Magistrates of the several Zillahs the one to the Southward & the other to the Northward, whilst the Senior Judge is to deliver the goal at the Sudder Station and unless it be found indispensably necessary, from the non-attendance of any material evidence, or other sufficient cause, to postpone any trial until a future Session, the Junior Judges shall remain at each station, until all persons committed or held to bail for trial by the Magistrate shall have been tried, and (in matters on which sentence is directed to be passed by the Judges) sentence shall have been passed upon them, or (in cases in which the Judges are not authorised topass sentence) the trial shall have been referred to the Superior Tribunal.

Three general Jail deliveries to be made annually.

Judges to make three Circuits for that purpose, setting out on the Circuit on the 1st January 1st of May and 1st of September.

Judges to remain at the stations of such Magistrates until all the Prisoners whose trials can be completed, are tried, and sentence upon them is passed, or their cases are referred to the Superior Tribunal.

IX. In case of the death of either of the Judges proceeding on the Circuit; or, of his inability to perform the Circuit, from sickness, or any other unavoidable impediment; and in like manner, in case of the death of the Senior Judge, the earliest notice of the circumstance is to be communicated to the Governor in Council, who will make such provision for the case as he shall judge most advisable.

Provisions for cases of death and other Casualties.

X. All examinations of parties and witnesses are to be conducted in the manner prescribed in Sections XIV. and XV. Regulation III. 1800.

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XI.

Manner in which the trial of the Priſoners is to be conducted.

XI. The mode preſcribed in Sections XXXVI. XXXVII. XXXVIII. XXXIX. XL. XLI. XLII. XLIII. and XLIV. Regulation III. 1800 is to form the rule of guidance for the trial of Priſoners by the Court of Circuit.

Puniſhment to be inflicted on perſons guilty of contempt of Court in open Court.

XII. The Court of Circuit is empowered to direct the Magiſtrate, to cauſe any perſon or perſons who may be guilty of contempt of Court in open Court, to ſuffer corporal puniſhment with a rattan not exceeding fifteen ſtrokes, or impriſonment for any term not longer than fifteen days.

Incapacity or miſconduct in public duty or profligacy in private behaviour in the law officers to be reported to the Superior Tribunal.

XIII. The Court of Circuit is to report to the Superior Tribunal every inſtance in which it ſhall appear to them that the Native Law Officers have ſhown incapacity for their Offices, or have been guilty of miſconduct in the performance of their duty, or of any acts of profligacy in their private conduct.

Judges to viſit the Jails, & to iſſue orders for the better treatment, accommodation or ſecurity of the Priſoners.

XIV. The Judges of Circuit are to viſit the Jails on every Circuit, and to iſſue to the Magiſtrates ſuch orders as may appear to them adviſeable for the better treatment, accommodation or ſecurity of the Priſoners.

Neglect or miſconduct of the magiſtrates, to be reported by the Courts to the Superior Tribunal.

XV. The Court of Circuit is to report to the Superior Tribunal, every inſtance in which it ſhall appear to them that the Magiſtrates have been guilty of neglect, or miſconduct, in the diſcharge of their duty. The Court is, alſo, to acquaint the Superior Tribunal, whenever the Magiſtrates omit or refuſe to obey their orders.

No Judge to abſent himſelf from his ſtation without leave, nor omit to go the Circuit.

XVI. No Judge ſhall abſent himſelf from his ſtation, without the previous ſanction of the Superior Tribunal, nor ſhall any Judge when preſent at his ſtation, omit to go the Circuit as preſcribed; unleſs when prevented by indiſpoſition, or other unavoidable impediment; the earlieſt notice of which ſhall be tranſmitted to that Court.

Courts to ſubmit to the Superior Tribunal ſuch propoſitions as may appear to them expedient for the better regulation of trials, or the Adminiſtration of Juſtice or the Police.

XVII. The Judges are to ſubmit to the Superior Tribunal, ſuch rules as may appear to them calculated for the better regulation of the trials of Priſoners, the adminiſtration of juſtice, or the Police of the Country.

Sutars or others convicted of putting to death any perſon as a ſorcerer, to be held guilty of murder, & puniſhed accordingly.

XVIII. If any perſon or perſons of the Sutar caſt; or of any other caſt or perſuaſion within the Company's provinces; ſhall hereafter put any perſon to death, on the ground of his or her being verſed in, and practiſing ſorcery; ſuch perſon or perſons, on being convicted of the crime, ſhall be held guilty of Murder, and be invariably puniſhed accordingly: and if any perſons ſhall either actually form themſelves into an aſſembly, for the purpoſe of trying any man or woman on a charge of witchcraft; or on any other charge, or ſhall cauſe ſuch aſſemblies to be held; and any perſon or perſons ſhall in conſequence be put to death; they ſhall be conſidered as accomplices in the Murder, and be dealt with accordingly.

Perſons holding an aſſembly for the trial of witchcraft, to be conſidered accomplices.

Court of Circuit if practicable to tranſmit thoſe trials, firſt, to the Superior Tribunal, on which the Priſoners have been ſentenced to capital puniſhment.

XIX. The Court of Circuit is required by Section XLIV. Regulation III. 1800 to tranſmit to the Superior Tribunal, Copies and Tranſlates in Engliſh of their proceedings; on the trial of all Priſoners whom they may ſentence to ſuffer death; or who may in their opinion be deſerving of capital puniſhment, within ten days after the trial is completed; or as much earlier as from the ſtate of buſineſs may be practicable. They are further directed, in the tranſmiſſion of trials to the Superior Tribunal to give a preference, as far as practicable, to thoſe trials on which the priſoner or priſoners may have been ſentenced to capital puniſhment; or may be liable to ſuffer ſuch under the regulations: and whenever the other duties of their Regiſters and Aſſiſtants, will not admit of their preparing the tranſlations of trials referrible to the Superior Tribunal, with the requiſite expedition; they are authoriſed to employ any perſon or perſons poſſeſſing an adequate knowledge of the language

In caſes of emergency, Court of Circuit authoriſed to employ perſons properly qualified to tranſlate trials referrible to the Superior Tribunal, Manner of

Settling the compensation to be allowed.

language, to make the translations and to settle with them such compensation for their trouble in translating each trial, as may be considered equitable; regulating the amount according to the number of Sheets; or in such other mode, as they may judge best calculated to prevent any undue charge; and transmitting to the Governor in Council, a monthly contingent bill for the expence. The Judge of Circuit before whom the trial may have been held, is however in all instances, to examine and attest the translation and will be held responsible for its accuracy.

Contingent bill to be transmitted to the Governor in Council. The Judge of Circuit to attest, and to be responsible for the translation.

Judges after each Circuit to report their observations on the effect of the system, the state of the Jails, and other particulars.

XX. The Judges of the Court of Circuit, on their return from each Circuit, are to transmit to the Superior Tribunal; a report containing such observations as they have made during the Circuit; regarding the effect of the present system, for administering the Criminal laws; in the prevention and punishment of Crimes; as well as respecting the state of the Jails; the treatment and employment of the Prisoners; and such other matters as they may think deserving the notice of the Court.

Court of Circuit how to be guided in the transmission of their proceedings.

XXI. The Court of Circuit in the transmission of its proceedings to the Superior Tribunal is to be guided by such forms and instructions, as it may receive from that Court.

Pecuniary compensations and sums as damages to Individuals not in future to be recoverable in, nor to be adjudged by, the criminal Court; and no fines to be imposed but to the use of government, with a definite period of imprisonment to be held as equivalent to the fines imposed.

XXII. *First.* No pecuniary compensations, nor sums as damages, shall be adjudged to, or be recoverable by Individuals in any criminal prosecution; nor shall any fines be imposed by any Court of criminal jurisdiction, save and except to the use of Government: and whenever a fine to the use of Government shall be imposed; the Court, which may pass the Sentence, shall at the same time, weighing all the circumstances of the case, fix a definite period of imprisonment to be held as equivalent to the fine; at the expiration of which the persons convicted shall be discharged; although they should have omitted to pay the fine. The imprisonment awarded by the Court of

Circuit

Circuit under this ſection, as an equivalent for fines impoſed by them; ſhall be temporary in all caſes, and not for life; and their ſentences ſhall be executed without reference to the ſuperior Tribunal.

Court of Circuit empowered in certain caſes to commute Sentences of fines to impriſonment for a term or for life; but when for life their ſentences referrible to the Superior Tribunal.

*Second.* Whenever the law officers of the Court of Circuit, ſhall declare Priſoners liable to pecuniary fines of any kind; for any other acts than murder, the Court of Circuit ſhall, at its diſcretion, commute ſuch fines to impriſonment; for ſuch period as it may think adequate to the offence: and their ſentences in ſuch inſtances ſhall be carried into execution, without reference to the Superior Tribunal, if for temporary impriſonment; or referred to that Court, if for impriſonment for life; which ſhall at its diſcretion confirm the ſaid ſentences, or mitigate, or entirely remit the impriſonment awarded.

This Section not to prevent the reſtitution of ſtolen goods produced before the magiſtrates and Court of Circuit; nor a reimburſement of coſts in particular inſtances.

*Third.* Nothing contained in this Section, ſhall be conſtrued ſo as to prohibit the reſtitution to the lawful owners of ſtolen property; recovered and produced before the Magiſtrates, and Court of Circuit: nor to reſtrict the criminal Court from adjudging a reimburſement of coſts actually incurred, upon a proſecution before them; by either of the parties thereto; in particular inſtances, wherein they may conſider ſuch reimburſement juſt and equitable.

Judges of Circuit to tranſmit to the Superior Tribunal as ſoon as poſſible after the cloſe of trials referrible to that Court, a counter part of the original record, with an Engliſh letter, ſtating their opinion on the caſe.

XXIII. The Judges of the Court of Circuit, before whom the Quarterly Jail deliveries for the ſeveral Zillahs may be held; ſhall, as ſoon as poſsible after the cloſe of any trial referrible to the Superior Tribunal; and with no further delay than may be neceſſary to tranſcribe the proceedings held thereupon; tranſmit to that Court a complete and exact counterpart of the original record of all proceedings held, and papers received, relative to ſuch trial; with a Letter in Engliſh ſtating their opinion on the evidence, and on the guilt or innocence of the Priſoners. The record to be ſo tranſmitted is to be authenticated

In what manner ſuch record is to be authenticated; and what it is to contain.

ed by the ſignature of the Judge, and ſeal of the law officer, before whom the trial may have been held; and is to include the whole of the proceedings held before the Court of Circuit; with every examination, exhibit, or material paper of whatever denomination, taken by, or delivered to that Court; and the Perſian tranſlations thereof to be annexed to the original record in conformity to Clauſe Second Section XIV, Regulation III, 1800. The whole of the proceedings and papers received from the Magiſtrate, upon the caſe referred, are alſo to be annexed to, and tranſmitted with, the proceedings of the Court of Circuit: but any variations between the depoſitions of the witneſſes before the Magiſtrates, and Court of Circuit, are to be carefully noticed on the proceedings of the latter; as directed in clauſe Seventh Section XIV, of that Regulation: and any confeſsions of the Priſoners before the Magiſtrate; any inqueſt taken in caſes of homicide; or, any other evidence appearing on the proceedings of the Magiſtrates, are to be entered with the neceſſary proofs, on the proceedings of the Court of Circuit.

Proceedings and papers received from the magiſtrates to be alſo tranſmitted.

But variations in the depoſitions of witneſſes, confeſſions of Priſoners before the magiſtrates, inqueſts, and other evidence on the proceedings of the magiſtrates, to be entered, with proofs on the proceedings of the Court of Circuit.

XXIV. The Tranſlator to the Superior Tribunal, on receipt of the trials, tranſmitted to that Court under this Section, ſhall, as ſoon as poſsible, make or cauſe to be made by his aſsiſtants, a true and faithful tranſlation into the Engliſh language, of the whole of the proceedings held before the Court of Circuit; with any confeſsions of the priſoners before the Magiſtrate; and ſuch other parts of the Magiſtrate's proceedings, as may have been entered upon the proceedings of the Court of Circuit. If the Tranſlator of the Superior Tribunal and his official aſsiſtants, be unable, on any particular occaſion, from the preſſure of other buſineſs, to make an early tranſlation of the proceedings and papers ſo received; he may, with the Court's ſanction, cauſe the ſame to be tranſlated by any other competent perſon, at

The Tranſlator to the Superior Tribunal to make, or cauſe to be made, Engliſh tranſlations of the proceedings of the Court of Circuit, tranſmitted under this ſection, as ſoon as poſsible after the receipt thereof.

And, if unable with his aſsiſtants, to make an early tranſlation, may, with the ſanction of the Court, cauſe the ſame to be made by any competent perſon, at the rates eſtabliſhed by ſection XXXIII Regulation. VI 1812.

at the rates eſtabliſhed by Section XXXIII, Regulation VI, 1812, and the perſon making ſuch tranſlations, who is to ſubſcribe his ſignature thereto, ſhall be held reſponſible for their accuracy. But no tranſlation is to be made by any other perſon than the Perſian tranſlator to the Superior Tribunal, and his official aſsiſtants, without the ſanction of the Court.

1814.

Accompg No. 3016.

Regulation IX. 1812

No 6 of 14

Received 1st February 1814

# A. D. 1812, REGULATION IX.

A REGULATION *for the Superior Tribunal or the Chief Criminal Court of the Governor in Council for the Trial of Criminal Caſes in the laſt reſort*, PASSED *by the Governor in Council on the* 16*th December* 1812, *Correſponding with the* 13*th Margseer Sood Sumbut or Vickramajet Era*, 1869; *Salbahan* 1734; *and* 11*th Zilhuz* 1227 *Hejree.*

THE functions of the Superior Tribunal of the Governor in Council have heretofore been diſcharged under the rules contained in Sec. LII, and the following Sections of Regulation V. 1799; as extended to Surat and it's dependencies by the ſame Sections of Regulation III. 1800, and ſubſequently to the Territories acquired within certain parts of the Soubah or Province of Guzerat by Sec. IV. Regulation II. 1805: it being however eſſential for the better Regulation of whatever relates to criminal caſes and the Police of the Country that diſtinct and more ſpecific proviſions ſhould be made for the duties of that Court the following rules have been enacted accordingly.

II. The Superior Tribunal or Chief Criminal Court, ſhall be held at Bombay.

Superior Tribunal to be held at Bombay.

III.

Governor, & members of the Council, to ſit as Judges, aſſiſted by the Native Law officers.

III. The Court ſhall conſiſt of the Governor, and the Members of the Council; aſſiſted by the Native Law Officers of the Sudder Adawlut.

Court to meet once every week, or as often as may be neceſſary.

IV. The Court ſhall meet once in every week, or as often as the ſtate of the buſineſs may require: and a regular diary ſhall be kept of their proceedings.

Regiſter to be appointed to the Superior Tribunal.

V. The Regiſter to the Sudder Adawlut ſhall act as the Regiſter to the Superior Tribunal.

Oath to be taken by the Regiſter.

VI. The Regiſter, previous to entering upon the execution of the duties of his office, ſhall take and ſubſcribe before the Superior Tribunal an Oath, ſimilar to that preſcribed for the Regiſter to the Court of Circuit.

Oath to be taken by the Native Law officers.

VII. The Native Law Officers previous to entering upon the duties of their offices, and on the 1ſt of January and 1ſt of July in each year, ſhall take and ſubſcribe oaths, ſimilar to thoſe preſcribed for the Law Officers of the Court of Circuit.

Court to have cognizance of all matters relating to the adminiſtration of Criminal Juſtice and the Police.

VIII. The Court is empowered and directed to take cognizance of all matters, relating to the adminiſtration of Juſtice in Criminal caſes, and the Police of the country; and to ſubmit to the Governor in Council, ſuch Regulations regarding them as it may deem adviſable.

Sentence of the Court to be conformable to the rules.

IX. The ſentence of the Court ſhall be regulated by the rules preſcribed in Regulations III. 1800 and 1802, and by ſuch further Regulations as may be paſſed by the Governor in Council.

Law officers to aſſemble at the office of the Regiſter as often as may be neceſſary.

Regiſter to lay before them the expoſitions of the Law officers of the Court of Circuit.

X. The Native Law Officers of the Court ſhall aſſemble at the office of the Regiſter, as often as may be neceſſary; and the Regiſter ſhall lay before them, the queſtion propounded by the Judge of Circuit and referred for the opinion of the Native Law Officer, with the expoſition of the Law thereon. After duly

duly conſidering the ſame, and previous to leaving the office of the Regiſter, they ſhall ſtate, in writing, whether the Futwah or Vevuſta of the Law Officer is conformable to the Laws of the Religion of the defendants, or accuſed parties; if it be not, they ſhall ſtate what Futwah ought, in their opinion, to have been delivered, and ſubſcribe their Names and affix their ſeals to their reſpective opinions: the Regiſter ſhall ſubmit the proceedings in the caſes ſo reviſed by the Cauzy, the Mufty, or the Pundit to the ſuperior Tribunal at their next meeting; when the Court, after peruſing the proceedings of the Court of Circuit, the Futwah of the Law Officers of that Court, and the Futwah of thoſe of the Superior Tribunal, ſhall paſs the final ſentence.

Law officers to give their opinion in writing.

Regiſter to ſubmit the proceedings, on ſuch trials, to the Superior Tribunal, which Court is to paſs the final ſentence.

XI. The Regiſter, within three days after paſſing of the final Sentence, or ſooner if practicable, ſhall tranſmit a copy of it under the ſeal of the ſuperior Tribunal and atteſted with his official ſignature, to the Judge of the Court of Circuit; who is immediately to iſſue a warrant to the proper Magiſtrate, to cauſe the ſentence to be carried into execution. The Magiſtrate, upon the receipt of the warrant, ſhall cauſe the ſentence to be executed without delay; and return the warrant to the Court of Circuit, with an endorſement, atteſted with his official ſeal and ſignature, certifying the manner in which the ſentence has been executed. All warrants ſo returned, are to remain with the Court of Circuit; excepting warrants for the infliction of capital puniſhment, which are to be forwarded by the Judges to the ſuperior Tribunal.

Regiſter to tranſmit the copy of the final ſentence to the Court of Circuit.

Magiſtrate to cauſe the ſentence to be executed immediately upon the receipt of the warrant.

What returned warrants are to be ſent to the ſuperior Tribunal.

XII. In caſes of a heinous nature, ſuch as murder, Gang-robbery, arſon, and the like, wherein the crime may be known to have been committed by ſeveral perſons, the principal of whom may not have been apprehended or convicted, if, on the repreſentation of the Zillah Magiſtrates, or Judges of the Court of Circuit, it ſhall appear to the Superior Tribunal, that an offer

The ſuperior Tribunal may recommend a pardon to acceſſaries in crimes of a heinous nature for the apprehenſion or conviction of the principal offenders.

fer of pardon, to one, or more of the ſuppoſed acceſſaries, (on condition of their making a full diſcloſure of every circumſtance within their knowledge, relative to the commiſſion of the crime, and the ſeveral perſons concerned in it,) may lead to the apprehenſion or conviction of the principal offender or offenders, the Court is to ſubmit the caſe to the Governor in Council, who, if he approve the ſame, will authorize ſuch offer of pardon: and, on the condition of it being fulfilled, the Superior Tribunal is to confirm it by a written certificate or teſtimonial, under the ſignature of its regiſter, and the ſeal of the Court, to be delivered to the party, or parties for his, or their ſecurity, as far as regards the act, or acts therein referred to.

In what manner ſuch pardon is to be granted.

XIII. The Judges of the Court of Circuit, and the ſeveral Zillah Magiſtrates, are to report to the Superior Tribunal whenever it may appear to them expedient to tender an offer of pardon, for the purpoſe ſtated in the foregoing ſection; communicating at the ſame time, all the information they may poſſeſs reſpecting the circumſtances of the caſe, as well as the meaſures taken to apprehend or convict the offenders, for whoſe apprehenſion or conviction, the propoſed pardon may be recommended.

Judges of the Court of Circuit and Zillah Magiſtrates to report caſes in which a pardon for the above purpoſes ſhould be offered.

XIV. *Firſt*, So much of Section LV. Regulation V. 1799 and Regulation III. 1800, as authorized the tranſportation to ſome place beyond ſea, of convicts ſentenced to confinement for a term of ſeven years, or for any limited term of years, and directs a reference from the Court of Circuit to the Superior Tribunal in all inſtances wherein they ſhall conſider offenders convicted before them to be proper objects of tranſportation, is hereby reſcinded.

Parts of Sections LV. Regulations V. 1799 and III. 1800 reſcinded.

*Second.* Tranſportation beyond ſea ſhall be hereafter reſtricted to convicts who may be ſentenced to confinement for life;

Tranſportation beyond Sea reſtricted to convicts ſentenced to confinement for

life; and in all inſtances wherein a ſentence of confinement for life may be paſſed againſt a priſoner, whether by the Court of Circuit in the firſt inſtance, or finally by the Superior Tribunal; the Court paſſing ſuch ſentence, if it deem the priſoner a proper object of tranſportation beyond ſea, ſhall, at the ſame time, adjudge him or her to be tranſported for life.

life and to be adjudged againſt ſuch convicts if deemed proper objects of tranſportation by the Court paſſing ſentence upon them.

*Third.* In the caſes of convicts ſentenced to confinement for life whom the Court of Circuit and Superior Tribunal may not conſider proper objects of tranſportation beyond ſea, under the preceding clauſe; as well as in all caſes of convicts ſentenced to impriſonment for a limited period, the Court by whom the ſentence is paſſed, if it deem the ſame proper, on conſideration of the priſoner's offence, may adjudge him to be baniſhed during the period of his ſentence from the diſtrict in which his place of abode is ſituated; and to be kept to hard labour on the public roads or other public works, in any other diſtrict, to which he may be removed by order of the Superior Tribunal.

Convicts ſentenced to confinement for life but not conſidered proper objects of tranſportation beyond Sea, as well as all convicts ſentenced to impriſonment for a limited period may be adjudged by the Court paſſing ſentence upon them to be baniſhed during their ſentences from the diſtrict in which their place of abode is ſituated; and kept to hard labour in any other diſtrict, as directed by the Superior Tribunal.

*Fourth.* The Magiſtrates of the ſeveral Zillahs, at the cloſe of the Quarterly jail delivery of their reſpective diſtricts, or at any other period when the ſame may be required by the Superior Tribunal, ſhall tranſmit to that Court, a liſt of the convicts in their reſpective jails who may have been ſentenced to tranſportation beyond ſea, or to baniſhment from the diſtrict in which the offenders may have reſided under each of the two preceding clauſes; ſpecifying in ſuch liſts the Names, Ages, Crimes and Sentences of the ſeveral Convicts; and in the liſt of thoſe ſentenced to baniſhment, the diſtrict in which they may have uſually reſided before they were brought to trial.

Reports to be made by the Zillah Magiſtrates to the Superior Tribunal of convicts ſentenced to tranſportation or to baniſhment under the two preceding clauſes.

*Fifth.* The Superior Tribunal is declared competent to order the removal of all convicts, under ſentence of impriſonment, to any jail or diſtrict within the Company's poſſeſſions in which it

Further declared competent as heretofore to order the removal of convicts under ſentence of impriſonment to any Jail or diſtrict within the company's poſſeſſions.

it may be thought proper to keep or employ them during the period of their reſpective ſentences, altho' no ſpecific ſentence of baniſhment may have been paſſed againſt them under clauſe third of this ſection. But no ſuch removal ſhall take place without the ſpecial order of the Superior Tribunal.

Section IV. Regulation III. A. D. 1802. reſcinded, convicts eſcaped from Jail or otherwiſe during their Sentences and reapprehended to be brought to trial before the Court of Circuit for ſuch eſcape and for any acts of Violence attending the ſame or done in attempt to eſcape.

XV. *Firſt.* Section IV. Regulation III. 1802, is hereby reſcinded; convicts ſentenced to impriſonment by the Court of Circuit, or by the Superior Tribunal, who during the period of their ſentences may eſcape from jail or other place of confinement; or from the Roads, or any other place where they may be employed; and who may be re-apprehended ſhall be brought to trial before the Court of Circuit for ſuch eſcape, as well as for any acts of violence or aggravating circumſtances attending their eſcape, or for any violent acts done in an attempt to eſcape; and on conviction they ſhall be liable to ſuch further puniſhment in addition to their former ſentences as may be adjudged againſt them, on conſideration of the circumſtances of the caſe, under the proviſions contained in this Regulation.

How puniſhable on conviction.

Convicts under ſentence of tranſportation for life who may be tranſported after the promulgation of this Regulation and ſhall eſcape and return without permiſſion to any part of the Company's Territory under the Preſidency of Bombay declared liable on conviction to ſuffer death.

*Second.* Any convicts under ſentence of tranſportation for life, who may be tranſported to any place beyond ſea, after the promulgation of this Regulation, and ſhall eſcape from ſuch place of tranſportation and return, without permiſſion to any part of the company's territory under the Preſidency of Bombay ſhall ( notice of this penalty being duly made to the convict at the time of paſſing ſentence on him) on conviction thereof to the ſatisfaction of the ſuperior Tribunal, and if no circumstances appear to that Court to render ſuch convict an object of mercy, be adjudged to ſuffer death.

The Superior Tribunal empowered and directed to commute to baniſhment & hard labour the ſentence of any convict already ordered to be tranſported beyond ſea, but

XVI. If any convicts already ordered to be tranſported beyond ſea under Sections LV. Regulation V. 1799 and Regulation III. 1800, or under Section IV. Regulation III. 1802, but not yet actually tranſported, ſhall appear to the Superior Tribunal from the ſhort period of their ſentences or otherwiſe to

be

be more properly objects of baniſhment from the diſtrict in which they may have reſided, in purſuance of clauſe third, Section XIV. of this Regulation, than of tranſportation beyond ſea, the Judges of that Court are empowered and directed to commute the ſentence or order of tranſportation, in ſuch inſtances to baniſhment and labour for the ſame period, in conformity to the clauſe and ſection abovementioned.

not yet actually tranſported, if it appear, proper in conſideration of the ſhort periods of their ſentences or otherwiſe.

XVII. *Firſt.* In the caſes of ſuſpicion or bad character wherein the Court of Circuit may direct the Zillah Magiſtrates to detain priſoners in cuſtody until they give ſufficient ſecurity for their future good behaviour and appearance, when required, as well as in any ſimilar caſes wherein the like directions may be given by the Superior Tribunal; if any priſoner ſhall have remained in confinement for a year or any longer period, under inability to give the ſecurity required; and the execution of a Moochulka (penal engagement), by the priſoner for his future good conduct without ſecurity, may, on conſideration of the circumſtances of the caſe and priſoner's behaviour during his confinement, appear to the Magiſtrate ſufficient to provide for the object intended, he ſhall report the ſame to the Court of Circuit at the next enſuing Jail-delivery for the Zillah in which ſuch priſoner may be detained in cuſtody.

Proviſions for the caſes of priſoners required by the Court of Circuit to give ſecurity for their future good behaviour and appearance, and who may be unable to find ſuch ſecurity but from their behaviour whilſt in confinement and other circumſtances may appear to the Magiſtrate proper objects of releaſe without ſecurity under a penal engagement for their future good conduct.

Report to be made by the Magiſtrate to the Court of Circuit in ſuch caſes.

*Second.* In all caſes of ſuch reports being made by the Zillah Magiſtrate to the Court of Circuit, the Judges of the latter are to call the priſoner before them, and to examine the proceedings held upon his trial, as far as may be neceſsary to aſcertain the grounds on which the priſoner may have been required to find ſecurity, after which and duly conſidering the circumſtances ſtated, in the Magiſtrate's report, if they ſhall concur with the latter in opinion that the priſoner ought to be releaſed on his Moochulka without ſecurity, they are to direct the ſame accordingly.

Court of Circuit how to proceed on receiving ſuch report.

*Third.*

Conſiderations to be attended to by the Magiſtrates and Court of Circuit in the exerciſe of the diſcretion veſted in them by this ſection.

*Third.* In the exerciſe of this discretion the Magistrates and Court of Circuit will of courſe give due conſideration to the nature of the crime, of which the priſoner may have been convicted or ſuſpected, his general character as far as aſcertainable, and the conſequent riſk to be apprehended from his being releaſed without ſecurity for his future good conduct.

# A. D. 1812, REGULATION X.

A REGULATION *for providing for differences of opinion between the Judges of the Provincial Court of Appeal and Court of Circuit, and prescribing rules regarding other matters connected with their official situation*, PASSED *by the Governor in Council, on the* 16*th December* 1812, *Corresponding with the* 13*th Margseer Sood Sumbut or Vickramajet Era,* 1869; *Salbahan* 1734; *and* 11*th Zilhuz* 1227 *Hejree.*

THE following provisions are made for cases in which a difference of opinion may arise amongst the Judges of the Provincial Court of Appeal and Court of Circuit, and for other matters connected with their official duty.

Provisions respecting differences of opinion.

II. In all cases in which a difference of opinon may arise amongst the Judges of the Provincial Court of Appeal, or the Court of Circuit, the opinion of the majority shall determine. When there shall be only two Judges in Court, the Senior of the two Judges shall have a casting vote. Each Judge however shall have the liberty of recording the grounds of his opinion on the proceedings of the Court.

III.

Two Judges to form a Court of Appeal.

III. Two Judges ſhall be neceſſary to hold a Court of Appeal.

Decrees not valid unleſs paſſed by two Judges in Court.

Decrees to be ſigned by Judges preſent.

IV. No Decree in a ſuit or appeal brought before the Provincial Court of Appeal ſhall be valid, unleſs paſſed by two Judges preſent in Court. The Decrees are to be ſigned by the Judges by whom they may be paſſed.

Meeting of the Court.

V. The Provincial Court of Appeal is to meet on three fixed days in each week, whilſt they are at the Sudder ſtation, or oftener if buſineſs ſhall require it. The extra meetings are to be ſummoned by the Regiſter upon receiving orders for that purpoſe from the firſt Judge, or the Senior Judge on the ſpot, to whom it ſhall be left to determine when and how often ſuch extra-meetings ſhall be ſummoned. But the Court ſhall not ſit on Sunday on any occaſion whatever.

Rules relating to the abſence or indiſpoſition of any of the Judges.

VI. The Judges of the Provincial Court of Appeal are not to abſent themſelves from their ſtations without the previous ſanction of the Sudder Adawlut, nor ſhall any Judge omit to ſit in Court on Court days, unleſs prevented by indiſpoſition, or other unavoidable cauſe, which ſhall be entered on the proceedings of the Court. If a Judge ſhall be under the neceſſity of abſenting himſelf from Court for three meetings ſucceſſively, he ſhall notify the ſame to the Sudder Adawlut, with the circumſtances that prevented his attendance.

Proviſions for caſes of differences of opinion between the ſenior Judge, & either of the other Judges, who may eventually be at the Sudder ſtation.

VII. In the event of a difference of opinion between the Senior Judge and either of the other Judges, who may eventually be at the Sudder ſtation in cauſes where the deciſion of the Provincial Court is final, the Senior Judge ſhall have the caſting voice; and the decree ſhall be made in conformity to his ſentiments, provided they go to affirm the decree of the inferior Court. But where the ſenior Judge may declare, in oppoſition to the other Judge, that the decree of the

inferior

inferior Court ſhould be reverſed or altered, the Suits on which ſuch difference of opinion may exiſt, ſhall ſtand over for Judgement, until the return of the abſent Judge from the Circuit, when they ſhall be decided by the Majority of voices.

# A. D. 1812, REGULATION XI.

A REGULATION *for the guidance of the Courts of Juſtice, in caſes of a difference of opinion, on the meaning and conſtruction of the Regulations* PASSED *by the Governor in Council, on the* 16*th December* 1812, *Correſponding with the* 13*th Margseer Sood Sumbut or Vickramajet Era,* 1869; *Salbahan* 1734; *and* 11*th Zilhuz* 1227 *Hejree.*

WHEREAS doubts may ariſe as to the duty of the Zillah Judges and Magiſtrates, in caſes wherein they may conſtrue the general rules preſcribed by Government, in a different ſenſe from the conſtruction given thereto by the Judges of the Provincial Court of Appeal, and Court of Circuit; and it being of conſequence, to prevent delay in the adminiſtration of Juſtice, that a clear rule of conduct ſhould be eſtabliſhed to provide for ſuch caſes; the Governor in Council has therefore enacted the following rules.

Zillah Judges and Magiſtrates may ſtate objections to precepts of the Provincial Court or Court of Circuit if conſidered

II. In all inſtances wherein a precept iſſued by the Provincial Court of Appeal, or Court of Circuit, to a Zillah Judge or Magiſtrate, ſhall appear to ſuch Judge or Magiſtrate to be contrary

contrary to, or unwarranted by the Regulations; and ſuſpend execution till receipt of a ſecond precept.

contrary to, or unwarranted by the exiſting regulations; he is authorized to ſtate to the Provincial Court of Appeal or Court of Circuit, in what reſpect he conſiders their precept to be in deviation from the regulations; and ſuſpend execution till receipt of a ſecond precept in reply to his objections. But if the ſecond precept of the Provincial Court, or Court of Circuit, in reply to the objections of the Zillah Judge or Magiſtrate, ſhall confirm their firſt precept, in whole or in part, and ſhall require the Zillah Judge or Magiſtrate to execute the ſame without further reference, he ſhall immediately comply with ſuch requiſition. In caſe however the ſecond precept of the Provincial Court, or Court of Circuit, ſhould not ſatisfy the Zillah Judge or Magiſtrate, that the Regulations have been rightly conſtrued by the Provincial Court, or Court of Circuit; he is at liberty, at the ſame time that he certifies the execution of the order of the Provincial Court or Court of Circuit, to requeſt that they will tranſmit copies of their precepts to him and his returns thereto, with ſuch other papers as may be neceſſary for the information of the circumſtances of the caſe, to the Court of Sudder Adawlut, or the Superior Tribunal of the Governor in Council according as the caſe in queſtion may relate to the Civil or Criminal department; and the Provincial Court, or Court of Circuit, ſhall accordingly tranſmit ſuch papers, as requeſted, without any unneceſſary delay. Provided nevertheleſs, that nothing in this Regulation be underſtood to authorize any Zillah Judge or Magiſtrate, to queſtion the propriety of any order iſſued by a Provincial Court, or Court of Circuit, in caſes clearly left to the diſcretion and judgment of the Provincial Court, or Court of Circuit, by the Regulations; the reference to them, and eventually to the Courts of Sudder Adawlut and Superior Tribunal, meant to be authorized by this regulation, being confined to caſes in which the ſenſe of the regulations, from a difference of conſtruction, or otherwiſe, may appear doubtful and uncertain.

But the Zillah Judge and Magiſtrate may requeſt a reference of the caſe to the Sudder Adawlut or the Superior Tribunal.

Proviſo.

III.

III. In all inſtances wherein a reference to the Court of Sudder Adawlut, or Superior Tribunal, may be made under the preceding rule; the determination of thoſe Courts, who are empowered to preſcribe the forms and conduct to be obſerved by the Provincial, and Zillah Courts of Adawlut, the Courts of Circuit and the Zillah Magiſtrates, in all caſes provided for by the Regulations, agreeably to their conſtruction thereof, is to be held final and concluſive.

Determination of the Superior Tribunal or the Sudder Adawlut to be concluſive.

IV. Should any doubt occur to the Sudder Adawlut or the Superior Tribunal, with reſpect to the meaning of any part of the Regulations; or ſhould it appear to them, on occaſion of any reference from the Provincial or Zillah Courts, the Court of Circuit, or the Zillah Magiſtrates, that the Regulations do not ſufficiently provide for the caſe ſubmitted to their deciſion; they are, in the former caſe, to report the circumſtances of it to the Governor in Council, that a new regulation may be framed in explanation of ſuch doubt; and, in the latter caſe, are to propoſe a new Regulation.

Sudder Adawlut and the Superior Tribunal to report to the Governor in Council any caſe in which they have doubts on the meaning of the Regulations.

13/14

Accompg No. 3016

Rule Ordinance & Regulation
1813
No. 11 of 14 —

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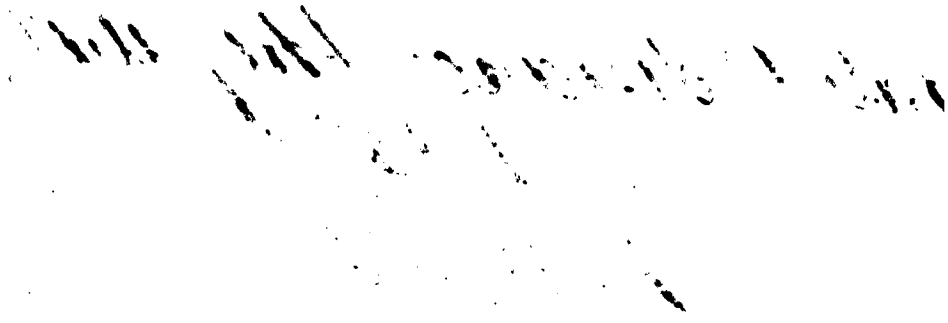

# RULE ORDINANCE AND REGULATION 1813.

*A RULE ORDINANCE and REGULATION for compelling thoſe who are able to ſupport their Infant Relations and for Subjecting the numerous aliens who paſs over to the Iſland of* BOMBAY *from the Marhatta Territories, to certain reſtrictions Paſsed by the Right Honorable the Governor in Council of Bombay under date the fifth of May* 1813 *and Registered in the Hon'ble the Court of the Recorder under date the twentieth day of June following.*

Preamble.

WHEREAS by a Statute paſſed in the forty ſeventh year of His Preſent Majeſty King George the Third, entitled "an act for the" better Government of the Settlements of Fort Saint George and Bombay "it is enacted that it ſhall be lawful for the Governor in Council to make and iſſue Rules for the good order and Government of this Iſland, ſubject to the previous condition of being duly regiſtered and publiſhed in the Court of the Recorder of Bombay, and to ſuch other conditions as are impoſed, by the Statutes of the Thirteenth, thirty ninth and fortieth of His Preſent Majeſty, upon the exerciſe of a like power

power at Fort William in Bengal by the Governor General in Council; and whereas it is neceſſary for the Sake of humanity that means ſhould be adopted for preventing Parents and others from deſerting their Children or other Connections dependent on them for Support, and whereas it is expedient for the good order and Civil Government of this Iſland that the numerous aliens reſorting thereto ſhould be placed under certain reſtrictions.

Be it therefore, Ordained by the authority of the Honorable the Governor in Council, now aſſembled, and in virtue of the power by the ſaid Statute Conferred that, from and after the due Regiſtry and publication of this Rule Ordinance and Regulation in the Court of the Recorder of Bombay, the ſaid Rule, and Ordinance conſiſting of the Titles and Articles hereinafter ſtated, ſhall have the full force of Law within this Iſland, and ſhall be ſtrictly Obeyed as ſuch by all His Majeſty's Subjects inhabiting the ſame.

## TITLE FIRST.

Compelling Parents and others to maintain their families.

### *ARTICLE FIRST.*

Parents and others to maintain their families if able at rates to be fixed by the Petty Seſſions.

That the Father, Grandfather, Mother, & Children, of impotent poor in the Town and factory of Bombay, being of ſufficient ability, ſhall relieve and maintain them according to ſuch rate and in ſuch manner as by the Juſtices of the ſaid Town and Factory of Bombay at their Petty Seſſions ſhall be aſſeſſed and directed.

### *ARTICLE SECOND.*

Puniſhment on failure.

For the puniſhment of thoſe who being able to labour yet run away from or leave their families without any proviſion when the ſame is proved by a ſufficient witneſs or witneſſes on Oath, before one or more Juſtices of the Peace; the perſons ſo offending ſhall by the ſaid Juſtices be ſent to the Common Goal, unleſs

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he ſind adequate ſecurity to be approved of by the ſaid Juſtice or Juſtices, there to be detained, till the next Petty Seſſions of the Peace where the Magiſtrate ſhall have power on examination of the Circumſtances of the caſe to puniſh the offender by fine, not exceeding two hundred Rupees, Impriſonment in the Common Goal for not leſs than one or more than ſix months, there to be kept at hard labour, or with whipping in ſuch manner and at ſuch times as they ſhall direct.

## *ARTICLE THIRD.*

Meaſures to be adopted by the Juſtices for the ſubſiſtence of deſerted families.

For maintaining Families who may be deſerted, any two Juſtices of the Peace may, on Complaint of any wife or Child or Children that they are left without ſupport, by their warrant empower the Sheriff to ſeize ſo much of the goods and Chattels, and receive ſo much of the annual Rents and profits of the lands and Tenements of ſuch Huſband, Father, or Mother, as ſuch two Juſtices ſhall order, or may fine them reſpectively, to ſuch extent as they may think reaſonable for or towards the bringing up and providing for the ſame which warrant, being Confirmed at the next Petty Seſſions, they the Juſtices of ſuch Petty Seſſions may make an order for the Sheriff to diſpoſe of ſuch goods and Chattels, by Sale or otherwiſe or ſo much of them for the purpoſes aforeſaid as the Court ſhall think fit, and to receive the rents and profits or ſo much of them as ſhall be Ordered by the Seſſions as aforeſaid of his or her Lands and Tenements and to pay the ſame to the Juſtices iſſuing the ſaid warrant, who ſhall pay the ſame, from time to time to the Muccadum of the Caſt to which the ſaid Wife Child or Children ſhall belong or to ſuch other perſon as the ſaid Magiſtrates ſhall deem proper to be entruſted there with to be applied by him in their ſupport, the Muccadum, or ſuch other perſon being reſponſible to the ſaid Juſtices for the due application thereof.

## *ARTICLE FOURTH.*

Perſons charged with being the Father of Baſtard Chil-

If any ſingle woman ſhall be delivered of a Baſtard Child and ſhall, on an examination to be taken in writing before any one

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dren and of refuſing to ſupport the ſame to be committed to priſon.

or more of the ſaid Juſtices of Bombay Charge any perſon with being the Father of ſuch Child and ſhall Charge ſuch perſon with refuſing and neglecting to ſupport the ſame it ſhall and may be lawful for ſuch Juſtice or Juſtices, on an application made by her or on her behalf to iſſue out his or their warrant or warrants for the immediate apprehenſion of ſuch perſon ſo Charged as aforeſaid and for bringing him before ſuch Juſtice or Juſtices; and the Juſtice or Juſtices before whom ſuch perſon is brought is and are hereby authorized to commit ſuch perſon to the Common Goal of Bombay unleſs he ſhall give ſecurity for the ſupport of ſuch Child or ſhall enter into a recognizance with ſufficient ſecurity to appear at the Petty Seſſions to be then next held in Bombay to abide and perform ſuch orders as ſhall there be made.

## *ARTICLE FIFTH.*

Proviſion to be made by the Father for the ſupport of the Child at the diſcretion of the Petty Seſſions.

If the ſaid Juſtices at their Petty Seſſions ſhall adjudge aperſon to be the reputed Father of an illegitimate Child they ſhall order him to make ſuch proviſion for the ſupport of the ſame either by a weekly allowance, or a ſum in Groſs as to them ſhall ſeem meet and further to direct, that the Muccadum of the Caſt to which ſuch Woman belongs, or ſuch other perſon as may be approved of by them ſhall have power to interfere, and to compel the Mother or the perſon having care of the Child to apply the allowance in ſupport of ſuch Child.

# TITLE ALIENS.

## *ARTICLE FIRST.*

Aliens to regiſter their names on their arrival.

That aliens ſhall within 4 days after their arrival on this Iſland regiſter their names and the employments which they mean to follow with the Muccadum of their Caſt and in caſe it ſhall be proved on oath to any one of the Juſtices of Bombay that any alien has not complied with this order ſuch Juſtice ſhall have power to compel him forthwith to enroll his name and employment

ment in the manner aforesaid with the Muccadum of his Cast and to bind him over to appear at the next Petty Sessions and in case it shall be proved before the Magistrate in Petty Sessions that the said alien shall not assign a satisfactory cause for having failed in the first instance to enter his name with the Muccadum as aforesaid, then the said Magistrates in Petty Sessions shall have power to fine him to an extent not exceeding one hundred Rupees and in case he shall refuse to pay such fine that they may in their discretion, forthwith, by a warrant under their hands and seals send him off the Island.

Fine to be levied on failure and eventual banishment from the Island.

## *ARTICLE SECOND.*

When an alien shall go about from Door to door, or place himself or herself in Streets highways or passages to beg alms in such places, or if it is proved, that, such alien live idle without employment and refuse to work in the employment, which he professed to follow in the entry so directed as a foresaid to be made with the Muccadum of his Cast, it shall be lawful for any Justices before whom such complaint shall be made on oath to commit such Offender to the Common Goal of Bombay to be detained till the next Petty Sessions of the Peace and if the Justices at such Sessions shall on examination of the circumstances of the case, adjudge such alien to be guilty of the Offences aforesaid they shall order him to be imprisoned for not more than 6 Months or less than one and kept to hard labour during such Imprisonment and during his confinement, at the discretion of the Magistrate, to be once whipped in such manner as they shall think fit, and if such alien so ordered by the said Sessions to be imprisoned shall offend again he shall on proof thereof and on the production of the record of his former conviction, be sent off the Island by the authority aforesaid.

Idle aliens to be confined in the Goal.

Punishment.

## *ARTICLE THIRD.*

Whenever an alien shall be sent off the Island notice thereof shall

Notice of aliens sent off

the Iſland to be ſent to the Muccadum of the Caſts to which ſuch perſons belong.

ſhall be ſent to the Muccadum of his Caſt, together with a deſcription of his perſon to prevent as much as poſſible his returning again.

## *ARTICLE FOURTH.*

Appeal from the deciſion of the Petty Seſſions to be made to the Quarter Seſſions.

Provided always that if any perſon or perſons ſhall find him her or themſelves aggrieved by any determination which the ſaid Juſtices of the Peace ſhall make in their General or Petty Seſſions in any of the caſes aforeſaid the ſaid perſon or perſons ſhall have liberty to appeal to the next General Quarter Seſſions of the Peace, to be held for the Town and Iſland of Bombay, who upon full hearing of the ſaid appeal ſhall have full power finally to determine the ſame.

# A. D. 1813, REGULATION I.

A REGULATION *for preventing the importation of Slaves from foreign Countries, and the ſale of ſuch Slaves in the territories immediately dependant on the Preſidency of* BOMBAY *paſsed by the Right Hon'ble the Governor in Council on the Fifth of May* 1813, *correſponding with the 5th Vaiſak Sood Sumbut or Vekramajet Era* 1870 *Salbahan* 1735 *and 3d, of Jamady ool avul* 1228 *Hejree.*

Preamble.

I. WHEREAS the importation of Slaves from foreign Countries into the Britiſh territories is inconſiſtent with the dictates of humanity, and with the principles by which the adminiſtration of this Country is conducted. The following rules have been enacted, to be in force immediately on their promulgation throughout the territories immediately dependant on the Preſidency of Bombay.

Importation of Slaves prohibited.

II. The importation of Slaves whether by land or by ſea into the places immediately dependant on the Preſidency of Bombay

Bombay, is hereby ſtrictly prohibited, and any perſon infringing this prohibition, ſhall be liable to be proſecuted and puniſhed for the offence by the Courts of Criminal judicature.

Penalties for a breach of the foregoing rule.

III. Any perſon who may be convicted of the offence of importing Slaves into the Britiſh territories ſubſequently to the promulgation of this Regulation, ſhall be ſentenced to impriſonment for the period of Six Months, and to pay a fine to Government, according to his circumſtances in life, not exceeding however the ſum of Rupees two hundred, commutable, if not duly diſcharged, to impriſonment for the further period of ſix Months, on the expiration of the former part of the ſentence.

Perſons imported as Slaves, ſhall be diſcharged or ſent back.

IV. Perſons imported as Slaves into the Britiſh territories ſhall be diſcharged and ſent back to their friends and connexions in the Country from which they may have been imported at the expenſe of the perſon or perſons importing them, or permitted to remain in the Britiſh territories, according as may appear moſt adviſable to the Magiſtrate by whom the deciſion on the caſe may be paſſed.

# RULE ORDINANCE & REGULATION II. 1813.

## A RULE, ORDINANCE *and* REGULATION *to diminish the number of* PARIAR DOGS, *having no Owners, on the Island of* BOMBAY, *and to authorize the Erection of Public Pounds for animals ſtraying or trespassing on the Public Streets or Roads of the Island, or on the grounds of the Inhabitants thereof,* PASSED *by the Right Hon'ble the Governor in Council, on the 8th day of September* 1813, *and Registered in the Hon'ble the Court of the Recorder on the 21ſt day of March* 1814.

Preamble.

WHEREAS ſerious evils and inconveniences have ariſen from the great number of dogs now on this Iſland, the greater part of which having no Owners are allowed to infeſt the ſtreets and roads at all times and ſeasons, often to the great risk of the lives of the Inhabitants: And whereas much cauſe of Complaint has ariſen from the number of Bulls, Oxen, Cows, Buffaloes, Camels, Horses, Aſſes, Goats, Sheep, Hogs, and other Cattle and animals, which wander about the public Streets and Roads of the Iſland to the great annoyance and danger of Paſſengers, and treſpaſs on the gardens and grounds of the Inhabitants: Be it therefore ordained by the authority of the Right Honorable the Governor in Council now aſſembled, that from and after the due regiſtry

and

and publication of this Rule Ordinance and Regulation in the Court of the Recorder of Bombay, the ſaid Rule and Ordinance conſiſting of the Articles herein after ſtated, ſhall have the full force of Law within this Island and ſhall be ſtrictly obeyed as ſuch by all His Majeſty's ſubjects inhabiting the ſame.

## ARTICLE I.

Dogs found on Public Streets or Roads or without the Enclosure of the Houſe of the Owner to be killed.

It ſhall be lawful for any perſon during the months of April and May, and September and October yearly, to killand deſtroy all and every Dog or Dogs found or being on any of the Public Streets or Roads of the Island, or without the enclosure of the house of the Owner of such Dog or Dogs, and the Magistrates of Police are hereby severally empowered, and ſtrictly commanded, to issue orders to all Sepoys or others acting under the Police, or to any other perſons to be employed occasionally for that special purpoſe, to kill and deſtroy all Dogs ſo found straying between the 15th of April and 15th of May and the 15th of September and 15th of October in each year as aforeſaid.—

Period fixed for their being killed.

## ARTICLE II.

Reward for their deſtruction to be offered by the Juſtices of the Peace & Police Magiſtrates.

His Majeſty's Juſtices of the Peace at their Quarter Sessions, or failing them the Magiſtrates of Police, are hereby empowered to fix, from time to time as circumſtances may require, a fee, not exceeding half a rupee, to be paid as a reward for each dog ſo killed during the months of April and May and September and October in each year, to the perſon killing it, on ſuch perſon producing the dog ſo killed, or ſuch other proof as may be pointed out by His Majeſty's Justices as aforesaid, or the Magiſtrates of Police by any general notice or intimation, which fee ſhall be paid out of the Police Fund on the Order of either of the Magistrates of Police.

## ARTICLE III.

Dogs having no Owners to be killed.

His Majesty's Justices at their Quarter Sessions, or the Magistrates of Police, are alſo hereby authorized at any time to issue Orders for killing all Dogs that have no Owners, and the perſons killing them ſhall be entitled to ſuch reward, and payable in such manner as in the caſe abovementioned.

Reward.

## ARTICLE IV.

Cattle ſtraying upon Public Streets,

And it is hereby further ordained that all Bulls, Oxen, Cows, Buffaloes,

loes, Camels, Horses, Goats, Sheep, Hogs, or other Cattle or animals found straying upon the Public Streets or Roads of this Island, or trespassing on the ground or property of any of the inhabitants thereof, or any Horses or Tattoos found straying on the Esplanade ſhall be liable to be ſeized and sent to the Public Pound.

Roads, &c. to be ſeized and ſent to the Public Pound.

ARTICLE V.

All Cattle or other animals found ſtraying or treſpassing as aforeſaid within the Fort of Bombay or within the diſtrict generally included in Bombay, extending from Colabah on the one side to the Breach and Chinchpogly on the other, ſhall be ſent to the Public Pound on the Eſplanade; and all ſuch as are ſeized in the Diſtrict of Mahim, including Warly, Sewri and Chinchpogly, ſhall be ſent to the Public Pound at Mahim.

As well other animals.

ARTICLE VI.

That for each Bull, Ox, Cow, Buffalo, Camel, Horſe, Tattoo or Aſs ſo ſeized a fee of one Rupee and a quarter, and for each Goat, Sheep or Hog a fee of half a Rupee, over and above the expence of feeding the ſame, ſhall be paid by the Owner of ſuch animal before the ſame is given back to ſuch Owner, and which ſaid fee ſhall be liable to ſuch appropriation as the Right Hon'ble the Governor in Council ſhall direct.

Expence of their maintenance to be paid by the Owners, from whom fees are alſo to be collected to a certain extent.

ARTICLE VII.

That when any Bull, or Cow, Buffalo, Camel, Horſe, Aſs, Goat, Sheep, Hog, or other animal ſhall have treſpaſſed or done damage in the garden or grounds of any perſon or perſons, it ſhall be competent for any one of His Majeſty's Juſtices to entertain a Complaint if any ſuch be made by the injured party within ſeven days againſt the Owner or Owners of ſuch Animals ſo having treſpaſſed on, or done miſchief to the ground or premiſes of him, her or them ſo complaining and ſuch Magiſtrate is hereby empowered to award ſuch damages to the ſaid Complainant as he may think reaſonable; and in caſe the Owner or Owners of ſuch animal or animals ſo treſpaſsing as aforeſaid, ſhall refuſe or omit to pay within two days, the amount of ſuch damages to the perſon or perſons awarded to receive the ſame, then and in such caſe it ſhall be competent for the ſaid Magiſtrate by warrant under his hand and ſeal, and which ſaid warrant he is hereby empowered to iſſue to any perſon or perſons he may

Owners of Cattle and other animals treſpassing or causing damages to be proſecuted, before a Juſtice of the Peace.

may think proper, to ſeize and openly ſell in ſome public ſpot on the Iſland ſo much property belonging to the perſon ſo refuſing and omitting to pay the fine ſo impoſed upon him or her as aforeſaid, as ſhall be equal to pay the amount thereof, together with every reaſonable expence attending the ſale of ſuch property ſo ſeized upon. But, be it however provided, that no ſuch warrant ſhall in any caſe be iſſued by ſuch Magiſtrate before ſeven whole days ſhall have elapſed after ſuch award as aforeſaid ſhall have been made by him, in order that the party, if any, conſidering him or herſelf aggrieved thereby, may have the opportunity, if ſo diſpoſed, of appealing to the Court of Petty Sessions (in caſe ſuch appeal be preferred in writing to the ſaid Court, within the ſeven days herein before laſt mentioned) and provided a Copy of ſuch Appeal or petition be left with the ſaid Magiſtrate, who after duly receiving the ſame, ſhall thereupon deſiſt from iſſuing ſuch warrant. And be it further ordained that if in thoſe caſes where ſuch warrant ſhall be iſſued by ſuch single Magiſtrate, property belonging to ſuch offenders herein beforementioned ſufficient to make good the fine or penalty impoſed on him, her or them, be not found, ſuch offender or offenders ſhall be committed to Gaol and kept to hard labour at the diſcretion of the ſaid Magiſtrate for a period not exceeding two Months. And be it alſo ordained that in ſuch caſes where ſuch Appeal as aforeſaid ſhall be made within the time before ſpecified, the ſaid Court of Petty Seſsions are hereby authorized to entertain the ſame and to do Juſtice between the parties, either by diſmiſsing the complaint, or impoſing on the offending party a fine not exceeding one hundred Rupees, which fine is to be conſidered as in the nature of damages and to be given to the party or parties complaining in ſuch ſhares or proportions as the ſaid Court may in its diſcretion deem meet.

Damages how to be recovered in failure of payment within a limited time.

Appeal againſt the Magiſtrates decision to lie to the Court of Petty Seſsions.

## ARTICLE VIII.

And further, if any Bull, Ox, Cow, Buffalo, Camel, Horſe, Aſs, Goat, Sheep, or Hog, ſeized and impounded, under and by virtue of this Rule Ordinance and Regulation, ſhall remain unclaimed for the ſpace of fifteen days, or if any of the ſaid animals ſhall be claimed, but the aforeſaid fee remain unpaid for fifteen days after the animals ſhall have been brought into the Public Pound, that then and in either caſe ſuch animals ſhall be ſold on a Saturday at four o'clock, in the afternoon on the Eſplanade near the

Unclaimed Cattle &c. within a certain period to be ſold & the proceeds after deducting charges to be paid to the Owners if they appear within a limited time.

the large Tank at the Bazar Gate, if ſuch Animal be in the Pound on the Eſplanade, or on the ſame day and hour in the Public Bazar of Mahim, if ſuch animal be in the Pound at Mahim, public notice of ſuch intended ſale being previouſly given by beat of Battakah for three ſucceſsive days; and the produce of ſuch ſale, after paying the fee aforeſaid, the expence of feeding the animal while impounded with the expence of beating the Battakah, ſhall be paid by the Owner of ſuch animal, or in caſe no claimant ſhall appear within fifteen days after ſuch ſale, ſhall then be paid over to the Public Treaſury on account of the Police Fund.

Otherwiſe to be paid into Treaſury on account of the Police Fund.

## ARTICLE IX.

The Juſtices of the Peace at their Quarter Seſsions, or failing them the Court of Petty Seſsions, ſhall cauſe to be made a Table fixing the quantity of provender to be given to an animal of each claſs ſo impounded, with the price of ſuch provender; a copy of which Table ſhall be hung up near the door of the Public Pounds, and may be altered from time to time on application to the Juſtices according to the value of provender. And in caſe, upon complaint or otherwiſe, the perſon, in charge of the ſaid Public Pound, ſhall be convicted to the ſatisfaction of the Court of Petty Seſsions either of having defrauded the ſaid animals impounded or any of them of their due allowance, or of otherwiſe misbehaving in the execution of his Office, he ſhall be ſubject to a fine, not exceeding one hundred rupees, for each offence to be impoſed by the Court of Petty Seſsions, and which ſaid fine the ſaid Court is hereby authorized to impoſe.

A table of the value & quantity of provender for the animals impounded to be made & Copy hung up near the Door of the Pounds.

The perſon in charge of the Pound to be fined by the Petty Seſsions in caſes of miſbehaviour.

## ARTICLE X.

And it is hereby further ordained, that in all caſes where it ſhall appear to the Magiſtrates ſitting in Petty Seſsions, that the Owner or Owners of any ſuch vagrant animals, hereinbefore particularly deſcribed, ſhall not have uſed due diligence and care in confining them, or ſhall have willingly or repeatedly ſuffered them to remain at large, or that ſuch vagrant animals have treſpaſſed on or damaged the ground or premiſes of others, it ſhall & may be lawful for the Court of Petty Seſsions to impoſe at their diſcretion, over and above the fee to be paid at the Public Pound, a fine not exceeding fifty Rupees for each offence, on every perſon offending or tranſgreſſing in either of the cases immediately above ſpecified or who ſhall be proved to be the Owner of any ſuch vagrant Cattle ſo treſpaſſing as aforeſaid.

Fines to be levied on the Owners of looſe animals in certain caſes.

## ARTICLE XI.

And it is hereby further ordained, that if any perſon or perſons who ſhall be convicted before the Magiſtrates in Petty Sessions, of either of the offences ſpecified in the preceding Clauſe, or who ſhall be fined by the ſaid Court, under and by virtue of any power hereby given to the ſame, ſhall not immediately diſcharge the fine or penalty impoſed on him her or them, the amount of ſuch fine or penalty ſhall be levied, by iſſuing proceſs againſt his or her property, by warrants under the hands and ſeals of two or more of the Magiſtrates in Petty Sessions (and which warrant the ſaid Magiſtrates are hereby empowered to iſſue) to any perſon they may think proper, directing him to ſeize and openly ſell in ſome public ſpot on the Iſland the ſaid animal ſo found treſpassing, or ſo much property belonging to the perſon refuſing or omitting to pay the fine or penalty ſo impoſed upon him, by the authority aforeſaid, as ſhall be adequate to defray the amount of the ſaid fine, and every reaſonable expence which may attend the ſale of ſuch property ſeized upon; and if property belonging to ſuch Offenders ſufficient to make good the ſaid fine or Penalty be not found, ſuch Offender or Offenders ſhall be committed to gaol and kept to hard labour at the diſcretion of the ſaid Magiſtrates for a period not exceeding two months.

How to be recovered if not duly diſcharged.

Perſons ſo offending not poſſeſſing means of diſcharging the fines to be impriſoned.

# A. D. 1813, REGULATION II.

A REGULATION *for repealing Regulation* IV. 1812 *authorizing Appeals from the Court of Sudder Adawlut to His Most Excellent Majesty and his Most Honorable Privy Council, and for repealing ſomuch of Regulation* VII. 1812 *as relates also to Appeals from the decision of the ſame Court.*—PASSED *by the Right Honorable the Governor in Council on the 28th of July* 1813, *Corresponding with the 1st Sharavan Sood Sumbut, or Vekramajet Era,* 1869; *Salbahan* 1735; *and the 29th Rujub* 1228, *Hijree.*

Preamble.

WHEREAS doubts have ariſen as to the legal competency of this Government to admit of Appeals from the decrees of the Sudder Adawlut to His Moſt Excellent Majeſty in Council, under the preſent Statutes of the Realms. The Right Honorable the Governor in Council has been pleaſed to paſs the following enactment.

II. Regulation IV. 1812 entitled a Regulation reſpecting Appeals from the Court of Sudder Adawlut to His Moſt Excellent Majeſty and His Moſt Honorable Privy Council is reſcinded.

III. Sections XXXI. XXXII. XXXIII. XXXIV. XXXV. and XXXVI. of Regulation VII. A. D. 1812 are alſo reſcinded.

# A. D. 1813, REGULATION III.

A REGULATION *prescribing rules for the repair of Water-courses, Wells, and other works constructed for the improvement of the cultivation of the lands, and kept in repair at the public expence, and for affording encouragement to Individuals to construct such works*, PASSED *by the Governor in Council, on the 1st of September* 1813, *Corresponding with the 6th Bhadrapud Sood Sumbut or Vekramajet Era*, 1869; *Salbahan* 1735; *and 5th Rumzan* 1228 *Hejree.*

Preamble.

IT being neceſſary that proviſion ſhould be made for the annual repair of certain embankments in different parts of the country, which have been conſidered as public works, and have been kept in repair at the expence of Government in conſequence of their great extent, and the damage to which the diſtricts and places for the protection of which they have been conſtructed would be liable from inundation, in the event of their not receiving the neceſſary annual repairs; and there being the ſtrongeſt grounds for believing, that if the embankments, reſervoirs, and water courſes, in the eſtates of individuals, which

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are not conſidered as public works, were enlarged, or put into a proper ſtate of repair, and new works of the ſame nature made where neceſſary and practicable, a ſufficient portion of crops might be preſerved in ſeaſons of drought or inundation for the ſubſiſtence of the body of the people, and conſequently the occurrence of famine, be prevented; and the Governor in Council being therefore ſolicitous to encourage, farmers, and Cultivators of land, to undertake theſe important improvements in their eſtates and lands; the following rules are accordingly enacted.

Care & ſuperintendence of embankments veſted in the Collector.

II. The care and ſuperintendence of embankments which are conſidered as public works, and are annually repaired at the expenſe of Government, and alſo of embankments in eſtates, the temporary charge and repair of which may devolve on Government, in conſequence of the removal of the proprietors from the management of their lands or other cauſe, is veſted in the Collector of the Zillah in which the works may be ſituated.

Collectors to report the ſtate of ſuch embankments, and the eſtimated expenſe of the repairs which they require. Report and eſtimate to be ſubmitted to the Governor in Council, with their opinion whether the work ought to be performed by a profeſſional perſon.

III. The Collectors are to report to the Governor in Council annually in due ſeaſon the ſtate of ſuch embankments, and to tranſmit an eſtimate of the expenſe of the repairs which they may require, with their opinion whether the work to be performed is of ſuch a nature as to require the aſſiſtance of an engineer officer, or other profeſſional perſon.

Where a profeſſional perſon ſhall not be appointed, the Collector is to commit the execution of the work to a careful officer.

IV. In caſes in which it may be deemed unneceſſary to employ a profeſſional perſon to execute the work, the Governor in Council will direct the Collector of the Zillah to commit the execution of the work to a careful officer, with inſtructions to forward to him a weekly return of the number of workmen employed, the rate of their wages, the materials, tools, or implements, expended or purchaſed, and a report of the work performed during the courſe of the week.

Rules for the guidance of professional persons deputed to make the repairs.

V. If a professional person shall be employed to make the repairs, he is to survey the embankments, and transmit to the Governor in Council, a statement of the repairs, or any additional works that may be required, with an estimate of the expense of them. Collectors however are empowered, in cases in which it may appear to them expedient and where a professional person shall not be employed to commence such part of the work as it may be deemed indispensibly necessary to complete without delay, previous to receiving the survey or estimate, or, where these documents shall have been transmitted to them, without waiting for their being approved by the Governor in Council.

Accounts to be rendered to the Collector by professional persons deputed under this regulation.

VI. Professional persons employed under this regulation, are to prepare and sign a daily or weekly return of the number of workmen employed on the embankments, which shall be delivered to an officer to be appointed by the Collector, who is to pay the workmen according to the return, transmitting it to the Collector as a voucher for the money disbursed. The professional person so employed, is to transmit to the Collector an indent for such materials, tools, or implements, as may be necessary for carrying on the work, with an estimate of the cost of them, and the Collector shall furnish them at the lowest price at which they may be procurable.

Professional person to indent upon the Collector for materials and implements.

Collector to furnish them at the lowest price.

Collectors to deposit one Copy of the disbursements in the Cutcherry of the Zillah, and to send another to the Government.

VII. The Collectors to whom the care and Superintendence of the repair of embankments is, or may be committed, (whether the work shall have been executed by a professional person or an officer appointed by them) are to prepare two copies of the accounts of their expenditures in the Persian and English languages, and to deposit one copy in the Cutcherry of the Zillah for general inspection, and to transmit the other to the Governor in Council.

Advances to be issued to individuals for repairing or mak-

VIII. Advances shall be made to proprietors, and farmers

of

ing embankments reſervoirs, or water courſes.

of land, or dependent talookdars, or under farmers, or ryots, for the purpoſe of repairing or making embankments, or repairing, enlarging, or making tanks, reſervoirs, or watercourſes, under the conditions ſpecified in the following Sections.

Applications for ſuch advances, to whom to be made, and what to contain.

IX. The applications for ſuch advances are to be made in writing to the Collector of the Zillah, and are to ſpecify the nature and extent of the work, for which they are required, the period by which it will be completed, and the amount of the advance ſolicited. The perſon applying for advances, is to give ſecurity for the payment of the advance with intereſt, and alſo for the payment of the penalty to be exacted in the caſes mentioned in Section IX, and ſhall ſpecify in his application the ſecurity he may have to offer. Where the perſon making the application, may be the proprietor of the lands for the benefit of which the works are intended, he ſhall give the like ſecurity, as is required from farmers or other perſons.

Perſons applying for advances, to give the ſecurity herein required

Proprietors are alſo to give ſecurity.

Engagement to be executed by perſons receiving advances and their ſecurities.

X. Perſons receiving advances, and their ſureties, are to bind themſelves to repay the amount at ſuch period or periods, as may be agreed upon between them and the Collector, with intereſt at the rate of nine per cent per annum, and alſo to pay a penalty of twenty five per cent. on the amount advanced, in the event of the works not being completed by the ſtipulated period, or of the money not being applied to the purpoſe for which it may have been advanced.

Collector how to proceed with ſuch applications.

XI. The Collectors, upon the receipt of ſuch written applications, are to forward them without delay to the Governor in Council, with any remarks which they may have to offer reſpecting them. The Governor in Council, provided there ſhall appear to them no objection to the execution of the work propoſed, & they ſhall be ſatisfied on the report of the Collector of the ſufficiency of the ſecurity offered for the repayment of there-

Governor in Council empowered to comply with them.

quired

quired advance with interest, and for the diſcharge of the penalty in the caſes mentioned in the preceding Section, will authorize the Collector to make the required advance upon the perſon applying for it, and his ſurety, executing the preſcribed engagements.

Survey and report of the works to be made and ſent to the Collectors, who are empowered to levy the penalty in the caſes herein ſpecified.

XII. Upon the arrival of the period by which ſuch works may have been ſtipulated to be completed, the Collector is to direct the tehſeeldar, or other officer of Government upon the ſpot, or ſuch perſon as he may deem it proper to appoint, to ſurvey the works, and to report in what manner they have been executed, and in the event of their not having been completed according to the engagement, and by the ſtipulated period, or of the money not having been applied to the purpoſe for which it may have been advanced, he is to levy the penalty above directed, ſending immediate information to the Governor in Council of the exaction of it.

Report to be made by the Collectors of the execution of the works.

XIII. The Collectors are to tranſmit to the Governor in Council Quarterly reports on the execution of the works for which advances may be made under this regulation.

Caſes in which the Government may extend the period fixed for completing works.

XIV. If a work for which advances may be made under this regulation, ſhall not be completed by the ſtipulated period, and the perſon who may have received the advances can ſhow good cauſe to the ſatisfaction of the Collector for not having finiſhed it, he is to report the circumſtances to the Governor in Council who are empowered to allow ſuch further time for the completion of the work, as they may judge proper.

# A. D. 1813, REGULATION IV.

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

A REGULATION *for defining more particularly the different Claſses of people, who ſhall be liable to be tried by the courts of Criminal Judicature, eſtabliſhed in the Britiſh poſſeſſions, for offences committed in foreign territories* PASSED *by the Governor in Council, on the 1ſt of September* 1813, *Correſponding with the 6th Bhadrapud Sood Sumbut or Vekramajet Era*, 1869; *Salbahan* 1735; *and 5th Rumzan* 1228 *Hejree.*

Preamble.

WHEREAS doubts have ariſen reſpecting the conſtruction which ſhould be attached to the words "Native ſubjects of the Britiſh Government" employed in Regulation III. 1809; and whereas it is eſſential to the ends of juſtice, that the neceſſary definition ſhould be given of thoſe terms, and alſo that the proviſions of that regulation ſhould be extended to certain other claſſes of perſons to be now deſcribed, the following rule has been enacted, to be in force from the period of its promulgation throughout the territories immediately dependent on the preſidency of Bombay.

II.

What clafes of perſons the proviſions of regulation III 1809 ſhould be conſidered applicable to.

II. The Proviſions contained in Regulation III, 1809, for the puniſhment of crimes committed beyond the Britiſh territories in India ſhall be conſidered applicable to the three following Classes of perſons, and to no other.

*First.* Natural born ſubjects of the British Government in India.

*Second.* Natives of India, who may have become ſubjects of the Britiſh Government in India, by the conquest or ceſſion of the places in which they were born, for acts done by them ſubſequently to the period of ſuch Conqueſt or Ceſſion.

And in what caſe the eſtabliſhed courts are reſtricted from taking Cognizance of any charge againſt a native military officer Sepoy trooper or other perſon.

*Third.* Natives of the foreign ſtates of India, in the Civil or Military ſervice of the Britiſh Government in India, while actually in ſuch ſervice, and during ſix months after they ſhall have quitted the British territories, or (ſuppoſing them to be ſtationed out of the limits of the Britiſh territories) after they ſhall have quitted the ſervice: Provided however, that nothing contained in this regulation, ſhall be conſtrued to authorize any of the eſtabliſhed Courts in the British provinces to take cognizance of any charge againſt a Native Military Officer, Sepoy, Trooper, or other perſon, for which he may have been already tried by a Court Martial, under the 5th Article of the 15th Section of the Rules and Articles of War.

# A. D. 1813, REGULATION V.

A REGULATION *to enable the Governor in Council to inſtitute or defend, through the medium of the publtic Officers of Government, Actions, in which Native Princes, whom it would be improper to require to appear as plaintiffs or defendants in the Courts of Judicature, may be parties,* PASSED *by the Governor in Council, on the 4th September* 1813, *Correſponding with the 9th Bhadrapud Sood Sumbut, or Vekramajet Era* 1869; *Salbahan* 1735; *and 8th Rumzan* 1228 *Hejry.*

WHEREAS with the view of preſerving inviolate the rights of Individuals, the Britiſh Government has rendered itself amenable to the Courts eſtabliſhed for the adminiſtration of juſtice in Civil caſes, throughout the Provinces ſubject to the Preſidency of Bombay; And whereas, in the ſame ſpirit of equity, the Government has precluded itſelf from deciding by its own authority on diſputed Claims to property of every deſcription, in which it may be a party with any of its Subjects; And whereas the Sovereigns and Independent Chieftains of adjacent ſtates have occaſionally claims to prefer, or rights to de- Preamble.

fend

fend as individuals in the Territories of the Britiſh Government; and difficulties having occurred in proſecuting or defending ſuch claims from the reluctance felt by thoſe Princes or Independent Chieftains to appear as plaintiffs or defendants in the Courts of Judicature, the following rules have been paſſed; to be in force from the period of their promulgation throughout the Territories immediately dependent on the Preſidency of Bombay.

How claims of Sovereign Native Princes on Individuals may be proſecuted and decided upon.

II. *First.* In caſes, in which Sovereign Native Princes, or other Independent Chieftains whether reſiding within the Britiſh Territories or otherwiſe, ſhall have claims to prefer as Individuals, to lands or other things, the cognizance of which is veſted by the general conſtitution of the Country in the Courts of Civil Judicature, it ſhall be competent to the Governor in Council, to order a ſuit to be inſtituted, through the medium of public Officers, for the recovery of the lands or other things which may be ſo claimed, in the Court, which on the principles of the general regulations is authorized to enquire into, and decide upon, the right to the diſputed property.

The Governor in Council may order the public Officers to defend ſuits brought by individuals againſt ſuch Sovereign Native Princes.

*Second.* In like manner, ſhould a Suit be inſtituted in any of the eſtabliſhed Courts of Civil judicature, by any Zemindar or other perſon for the recovery of lands or other things, in the occupancy of any Native Prince, or Independent Chieftain whom it would be improper to require to defend the action himſelf, it ſhall be competent to the Governor in Council to order ſuch ſuit to be defended by the public officers.

By whom Suits ſo inſtituted or defended ſhall be conducted.

III. Suits which may be inſtituted or defended under the preceding Section; ſhall be conducted by the Collectors of the land Revenue, aided by the Vakeels of Government, at the City, Zillah, and provincial Court of Appeal; the Collectors will of courſe on all ſuch occaſions be furniſhed by the Governor in Council with ſuch information and inſtructions as may appear

neceſſary

neceſſary to enable them duly to Superintend the conduct of the proſecution or of the defence.

IV. In all original Suits and Appeals, in which Government may be a party under the proviſions of the preſent Regulation, the Court which may paſs judment, ſhall, in addition to the copies of the decrees required to be delivered to the parties, tranſmit a Summary of the decree with as little delay as poſſible, in the Engliſh language, to the Secretary to Government in the Judicial Department, for the information of the Governor in Council; who on receipt of ſuch Summary will iſsue any orders to the Collectors of the Revenues, which the caſe may appear to require, or will cauſe the neceſsary notification to be made to the perſon on whoſe behalf the cauſe ſhall have been proſecuted, or defended of the final judgement given on the action.

A Summary of the decree paſſed in any caſe of that nature wherein Government may be a party, ſhall be tranſmitted immediately to the Secretary in the Judicial Department, for the orders of Government.

# A. D. 1813, REGULATION VI.

A REGULATION *to empower the Governor in Council to order the removal of Emigrants from foreign Countries, and their deſcendants from any place in the vicinity of the frontier of the ſtate, from which they may have emigrated; and, in certain caſes, to place and detain any ſuch perſons in ſafe cuſtody; and likewiſe to provide for the trial of Emigrants and their deſcendants, who may excite diſturbances in the Countries from which they may have emigrated, and of perſons aiding them in the proſecution of ſuch attempts.*—PASSED *by the Governor in Council on the 4th September* 1813, *Correſponding with the 9th Bhadrapud Sood Sumbut, or Vekramajet Era*, 1869; *Salbahan* 1735; *and 8th Rumzan* 1228, *Hejry.*

Preamble.

WHEREAS conſiderable numbers of perſons, being Natives of Cutch, Scind and the other Provinces bordering in the vicinity of Guzerat from time to time, emigrate from their Native Country and eſtabliſh themſelves in the Britiſh Territories

tories ſubject to the Preſidency of Bombay; And whereas, it is eſſential that the Governor in Council ſhould poſſeſs legal powers to remove theſe Emigrants or aliens from the Britiſh Territories in the event of their conducting themſelves in a manner manifeſtly tending to diſturb the relations of amity which ſubſiſt between the Britiſh Government and the Native Powers aforeſaid, by abuſing the protection that may be afforded them in the Britiſh Territories, exciting diſturbances in the Country to which they may belong, and likewiſe to detain in confinement any of thoſe perſons, or any other individuals, being natives of foreign Countries or their deſcendants, for offences of the above nature actually committed by them in the Territories of the State from which they may have emigrated; And whereas, it is neceſſary to make proviſion for the trial of perſons committing, or aiding in the Commiſſion, of the ſaid offences; the following rules have been paſſed, to be in force from the period of their promulgation throughout the Territories immediately dependant on the Preſidency of Bombay.

Caſes in which the Governor in Council may order the removal of Emigrants to ſuch parts of the Country as he may deem moſt convenient.

II. Whenever the Governor in Council upon due inveſtigation ſhall be ſatisfied, that Emigrants from any of the States above ſpecified and who may have ſought an aſylum in the Britiſh Territories, or the deſcendants of any of the ſaid Emigrants ſhall have abuſed the protection afforded to them, by attempts to excite diſturbances in the ſtate from which they or their anceſtors may have emigrated, it ſhall be competent to the Governor in Council to order the removal of thoſe perſons to ſuch other part or parts of the Country, as may be judged moſt convenient for their future reſidence. In like manner it ſhall be competent to the Governor in Council to order ſuch removal, whenever he may have grounds to be ſatisfied, that the reſidence of any body of Aliens, or their deſcendants in the vicinity of the frontier of the Country from which they or their anceſtors may have emigrated, is likely to cauſe any ſerious miſunderſtanding between that ſtate and the Britiſh Government.

III.

III. Whenever any body of Emigrants or any individuals belonging to ſuch body, ſhall be ordered to be removed from the part of the Country, in which they may have been eſtabliſhed, they ſhall be allowed to diſpoſe of any property, which they may have acquired in ſuch manner as they may judge proper; provided however, that if they ſhall nevertheleſs retain the right to any real property at the period of their actual removal, it ſhall be competent to the Governor in Council to order ſuch property to be ſold by public auction, under the Superintendence of the Collector of the diſtrict. In that caſe, the net proceeds of the ſale, ſhall be duly paid to the perſon or perſons to whom the ſaid property belongs.

Such Emigrants allowed to diſpoſe of any property they may have acquired, or Government may order real property not diſpoſed of at the period of removal, to be ſold, and the proceeds to be paid to the emigrants.

IV. In caſes in which the Governor in Council may on due enquiry and mature deliberation be ſatisfied, that either the preſervation of the tranquillity of the Britiſh Territories, or of the dominions of the allies of the Britiſh Government, or the maintenance of the relations of amity ſubſiſting between the Britiſh Government and other ſtates, require that any of the leaders or other perſons of the above deſcription, who may have committed the offences mentioned in Section II. of this Regulation, ſhould be placed and detained under reſtraint, it ſhall be competent to the Governor in Council to order any ſuch perſons, having committed any of the ſaid offences, but not otherwiſe, to be apprehended and committed to confinement at ſuch place and under the cuſtody of ſuch public officer, and detained in confinement for ſuch time as may be deemed by the Governor in Council neceſſary for the public good.

The Governor in Council may in certain caſes, order the leaders of other Emigrants to be apprehended and kept under reſtraint.

V. *First.* Any perſons of the above deſcription, or their deſcendants, who, while living under the protection of the Britiſh Government, ſhall enter the Country from which they or their anceſtors may have emigrated, or any other foreign Country, and ſhall excite or attempt to excite diſturbances in the ſaid Countries, ſhall be liable to be brought to trial for that offence before

Emigrants or their deſcendants exciting diſturbances in the Countries, from which they may have emigrated to be tried, and if convicted, to be ſentenced to ſeven years imprisonment.

before the Court of Circuit, and if convicted, ſhall be ſentenced to ſuffer impriſonment for the period of ſeven years.

Any perſons aiding or aſſiſting in attempts to excite ſuch diſturbances, liable to trial and ſimilar puniſhment.

*Second.* Any perſons, whether Native Britiſh Subjects, or Natives ſubjects of the Britiſh Government or aliens, who ſhall furniſh emigrants from foreign Countries with any aſſiſtance either of men, money, or arms, in proſecution of their attempts to excite diſturbances in the Country from which they may have emigrated or in any other Country, or ſhall otherwiſe aid ſuch aliens in the proſecution of their Criminal deſign, ſhall be liable to be brought to trial for that offence before the Court of Circuit, and if convicted, ſhall be ſentenced to ſuffer impriſonment for the term of Seven years: Provided however, that if the Judge of Circuit by whom the caſe may be tried, ſhall be of opinion that the punishment eſtabliſhed by this and the preceding clauſe, ſhould in any inſtance be mitigated, he ſhall ſubmit the proceedings held on the trial to the Superior Tribunal, who will recommend to the Governor in Council ſuch alleviation of the preſcribed puniſhment, as they may judge proper: provided, moreover that no ſentence or order, which may be paſſed on the trial of any perſons under the proviſions of the preſent Regulation, ſhall be competent, or ſhall be construed to preclude the Governor in Council from the exerciſe of the power veſted in the Government, by Section IV. of the ſaid Regulation.

Such ſentences may be mitigated in certain caſes but no ſentence or order paſsed on any ſuch trials to preclude Government from the exerciſe of the power veſted in it by Section IV.

# A. D. 1813, REGULATION VII.

A REGULATION *for authorizing the Judges of the Zillahs under the Preſidency of Bombay or the Magiſtrates of Bancoote and Caranja to execute judgements passed by the Court of Requeſts for the Town of Bombay.*—PASSED *by the Governor in Council on the 4th September* 1813, *Correſponding with the 9th Bhadrapud Sood Sumbut, or Vekramajet Era,* 1869; *Salbahan* 1735; *and 8th Rumzan* 1228, *Hejry.*

Preamble.

WHEREAS with the view of guarding the execution of the judgements of the Commiſsioners of the Court of Requeſts for the Town of Bombay being defeated, by the parties againſt whom the ſame have been obtained, abſconding from the limits of the Town, into the Zillah of Salſette or to any other of the juriſdictions under the Preſidency of Bombay; to remedy the inconvenience in queſtion, the following rules have been enacted, to be in force from the period of their promulgation.

The Judge of the Zillah of Bombay ordered under certain circumſtances, to execute judgments

II. *Firſt.* If the defendant in any ſuit decided by the Court of Requeſts for the Town of Bombay, the plaintiff in which ſhall have obtained a judgement, ſhall retire before execution of the ſame,

of the Commiſsioners of the Court of Requeſts for the Town of Bombay.

ſame, into the juriſdiction of the Judge of the Zillah of Salſette or any other Zillah or ſtation beyond the juriſdiction of the Court of Recorder, the Judge or Magiſtrate of the ſtation whether the party may have abſconded upon receiving a written application from the ſaid plaintiff, either in perſon or by Vakeel, ſetting forth the above circumſtances, and accompanied by a Copy of the judgement duly authenticated, is hereby authorized and directed to proceed to execute the ſaid judgement in the mode preſcribed by the exiſting regulations for executing his own decrees.

The Judge upon the defendant alleging any cauſe againſt the execution of the Judgement, which may require the determination of the Commiſsioners how to proceed.

*Second.* Provided always, that if the defendant in ſuch caſe ſhall allege any cauſe againſt the execution of the judgement which ſhall appear to the Judge or the Magiſtrate to require the determination of the Commiſsioners of the Court of Requeſts, the Judge ſhall upon ſuch defendant entering into ſufficient Security to ſatisfy the judgement, if the Judge ſhould deem this precaution neceſſary, allow the ſaid defendant a reaſonable period to apply to the ſaid Commiſsioners; upon the expiration of which, unleſs the ſaid defendant ſhould produce an order properly authenticated from the ſaid Commiſsioners, certifying that the judgement ought not to be put into execution; the Judge ſhall forthwith proceed to execute the judgement as preſcribed in the preceding clauſe.

Defendants who have been confined by the Commiſſioners but liberated not again to be confined by the Judge in execution of the ſame judgement; execution in ſuch caſes to proceed againſt the property only.

*Third.* Provided further, that no defendant who ſhall have been confined in the Jail of the ſaid Commiſsioners, and ſhall have been ſubſequently releaſed ſhall again be confined by the Judge of any Zillah Court in execution of the ſame judgement; but that in all ſuch caſes, execution ſhall proceed againſt the property only of the defendant.

# A. D. 1813, REGULATION VIII.

A REGULATION *for preventing Native Officers from making use of public Money entrusted to their care, for prescribing the Agency of Comavisdars, for prohibiting Native Officers employed in the Revenue Department from being engaged in Trade, and from receiving any Nuzzers or Presents.*—PASSED *by the Governor in Council on the 4th September* 1813, *Corresponding with the 9th Bdahrapud Sood Sumbut, or Vekramajet Æra,* 1869; *Salbahan* 1735; *and 8th Rumzan* 1228, *Hijree.*

Preamble.

WHEREAS the Intereſts of Government require, that Photehdars, Tehsildars, and other Native Officers ſhould be reſtrained from making uſe of the public money entruſted to their care: the following rules have been enacted; to be in force from the period of their promulgation throughout the Territories, immediately dependant on the Preſidency of Bombay.

Native Revenue Officers prohibited from converting the public money under their charge to private advantage.

II. Photehdars, Tehſildars, and other Native Officers entruſted with the charge of public money, are hereby ſtrictly prohibited from making uſe of ſuch money for their own advantage, or that of any other individual.

III.

A Breach of this Regulation to be punished as a misdemeanor.

III. Any perſon infringing the rule contained in the foregoing Section, ſhall be deemed to have been guilty of a miſdemeanor, and ſhall be puniſhed, on conviction thereof, before a Court of Circuit, at the diſcretion of the ſaid Court: provided nevertheleſs, that no perſon, convicted of the offence ſpecified in the preceding Section of this Regulation ſhall be ſentenced by a Judge of Circuit, to the punishment of ſtripes, or to hard labor. If in any instance impriſonment for the term of ſeven years ſhall appear to the Judge of Circuit to be an inadequate puniſhment for the offence, he ſhall tranſmit the Trial, with his ſentiments thereupon, to the Court of the Superior Tribunal for the final ſentence of that Court.

Comaviſdars prohibited from holding charge of more than one Pergunnah under certain reſtrictions.

IV. No Comaviſdar to hold charge of more than one Pergunnah, if the Rental of that Pergunnah ſhall be equal to one Lack of Rupees per annum.

V. No Comaviſdar to hold charge of more than one Pergunnah, although their united Rentals be under one Lack of Rupees, unleſs ſuch Pergunnahs or other diviſion be locally connected, and adjoining to each other, without any intervening diſtrict.

Reſpectibility of character to be attended to in the ſelection of Comaviſdars.

VI. The Collector is in the Selection of Comaviſdars, to pay the utmoſt attention to their characters and reſponſibility, previouſly reporting their names to Government, whoſe ſanction ſhall be required to the confirmation of any ſuch appointment.

Revenue Officers prohibited from engaging in trade or receiving preſents.

VII. All Comaviſdars or others concerned in the collection of the Revenue are to ſtand prohibited, from the beginning of the year enſuing, from being engaged in Trade; and reſtricted from the Receipt of any Nuzzers or Preſents, of any

amount

amount or deſcription to which effect they are ſeverally to enter into Mochulkas or final engagements ſubjecting themſelves to diſmiſſion from Office for being hereafter engaged in any Commercial Tranſaction; and to a penalty of three times the amount on conviction in a Court of Juſtice, of any Nuzzer they may have received; of which deeds, atteſted Copies are by the Collector to be transmitted and lodged in the Regiſtry of the Court of Adawlut of the diviſion.

Reports to be made to Government, of all convictions and ſentences under this regulation.

VIII. It ſhall be the duty of the Collectors of Revenue, Commercial Reſidents and other Officers to ſubmit to Government, a ſpecial report reſpecting all convictions and ſentences, which may take place under the proviſions of the preſent Regulation, in order that the Governor in Council may have an opportunity of conſidering whether the guilty perſons ſhould not alſo be declared incapable of again ſerving Government in any public capacity.

# A. D. 1813, REGULATION IX.

A REGULATION *for defining the duties to be performed and powers exercised by ſingle Judges of the Provincial Court of Appeal, in the abſence of the other Judges of the Court,* PASSED *by the Right Honorable the Governor in Council, on the 4th September* 1813, *Correſponding with the 9th Bhadrapud Sood Sumbut or Vekramajet Era,* 1869; *Salbahan* 1735; *and 8th Rumzan* 1228 *Hejree.*

Preamble.

WHEREAS it has been deemed adviſeable to define the duties, which devolve upon a ſingle Judge of a Provincial Court of Appeal, during the abſence of the other Judges from the ſtation where the Court is held, as alſo in Caſes, wherein another Judge being preſent at the ſtation may be prevented by indiſpoſition or other cauſe from attending the ſittings of the Court. The Governor in Council has been pleaſed to enact the following rules.

Authority & direction given to a ſingle Judge of Appeal to perform the duties ſpecified.

II. Whenever one Judge only of a Provincial Court of Appeal may be preſent at the ſtation where the Court is held, or though two or more Judges may be preſent at the ſtation, if one Judge only ſhall be able to attend on the days fixed for the ſittings

tings of the Court which under the regulations now in force are to be held three days in every week or oftener, if the buſineſs ſhall require it, the officiating Judge ſo attending the Court, is authorized and directed to perform the duties ſpecified in the following Section.

III. *First.* To execute all decrees, precepts and orders of the Sudder Adawlut; make returns in the preſcribed form in all caſes of reference from that Court; alſo, to receive Petitions of Appeal to the Sudder Adawlut from the deciſions of the Provincial Court, which may be duly preſented within the fixed period and to proceed thereupon as directed by the Regulations.

Further duties to be performed by a ſingle Judge of a Provincial Court.

*Secondly.* To execute all decrees and orders which may have been passed by two or more Judges of the Provincial Court, and which ſhall not have been carried into full execution; provided; that this authority be not conſtrued to empower any ſingle Judge to perfect interlocutory decrees, by paſſing final Judgment or order upon any point left undetermined by the deciſion of a competent provincial Court, or generally to give any determination upon the rights of parties which may not have been expreſsly adjudged at a regular ſitting of the Provincial Court.

Proviſo.

What other duties a ſingle Judge of a Provincial Court is authorized to perform.

*Thirdly.* To receive petitions of Appeal from deciſions of the Zillah Courts whether tranſmitted by the Judges of thoſe Courts, or preſented as allowed in particular caſes by the regulations, immediately to the Provincial Court: and if the Appeal ſhall clearly appear to be admiſſible under the preſcribed limitations, and the petition for it ſhall have been duly preſented within the fixed period, to admit the Appeal and iſsue all conſequent proceſs, for the appearance of the reſpondent as well as for obtaining the proceedings held upon the cauſe appealed; but if the Petition of Appeal ſhall not have been preſented within the limited period, or although ſo preſented, if there

appear

appear to be any room for doubt whether the cauſe be regularly appealable to the Provincial Court, or if the Petition be for a ſpecial Appeal in caſes where a regular Appeal is not open to the Provincial Court, the admiſſion or rejection of the Appeal ſhall be left for the conſideration of a competent Court, and the ſingle Judge receiving the Petition, ſhall merely record the receipt of it, and of the inſtitution fee and ſecurities required to accompany it, which ſhall be returned in the event of the Appeal not being ultimately allowed by the Provincial Court.

Continuation of the ſpecification of duties to be performed by a ſingle Judge of a Provincial Court.

*Fourthly.* To aſcertain and determine the ſufficiency of ſecurities offered for the admiſſion of Appeals or for the fees of pleaders, or for ſtaying the execution of decrees appealed from, to ſummon and examine witneſſes for proving Vakalutnamahs or Mokhtarnamahs or for for eſtabliſhing the poverty of paupers, and to prepare appealed cauſes for trial, by receiving the pleading of the parties, or their Vakeels, and any exhibits which may accompany them.

Further ſpecification of thoſe duties.

*Fifthly.* To Summon and examine any Witneſſes upon the merits of the caſe in Appeal, whom the Provincial Court may have previouſly ordered to be examined; or where evidence may be offered upon points in which the Provincial Court may have reſolved to admit new evidence, on a previous hearing of the Appeal: but this authority ſhall not be conſidered to empower any ſingle Judge to Summon and examine witneſſes, upon any point relative to the merits of a cauſe in Appeal, unleſs two or more Judges of the Provincial Court ſhall have directed the examination of ſuch witneſſes, or have reſolved to admit new evidence on the point or points in proof of which ſuch witneſſes may be adduced.

Continuation of the ſame ſubject.

*Sixthly.* To proceed in cauſes referred for trial in the firſt inſtance to the Provincial Court by the Governor in Council, or by the Sudder Adawlut, in like manner as ſtated in the fo-

regoing

regoing clauſe reſpecting Appeals, and under the ſame reſtrictions.

What other duties are to be performed by a ſingle Judge of a Provincial Court.

*Seventhly.* To receive miſcellaneous petitions relative to matters depending before or decided by any Zillah Court; in all caſes wherein the Provincial Courts are authorized to receive ſuch petitions; and to proceed thereupon as the provincial Courts are empowered to proceed, except that no final order ſhall be paſſed upon the ſubject of any ſuch petition, until two or more Judges be preſent, nor ſhall a ſingle Judge of the Provincial Court be deemed competent to paſs a final and concluſive order in any caſe whatever.

Concluſion of this ſubject.

*Eighthly.* To correſpond with the Governor in Council, with the Sudder Adawlut, with the Zillah Courts, and generally with all public officers in like manner as the Provincial Court is authorized to correſpond with ſuch public Officers, and to perform all miſcellaneous duties ariſing out of ſuch correſpondence or incidental to the neceſſary diſcharge of the uſual functions of an officiating Judge of a Provincial Court of Appeal, alſo to furniſh the monthly and other periodical reports and accounts preſcribed by the regulations, or required by the orders of Government, or of the Court of Sudder Adawlut.

In the execution of the duties above deſcribed a ſingle Judge of a Provincial Court or an Acting Judge thereof to poſſeſs the ſame powers as the Court collectively; ſubject to the reſtrictions ſpecified and to the further reſtriction in Section IV.

IV. In the execution of the duties preſcribed by the preceding Section, a ſingle Judge of a Provincial Court of Appeal, or an acting Judge appointed to officiate as ſuch when none of the Judges of a Provincial Court may be preſent at the ſtation where the Court is held, ſhall poſſeſs the ſame powers as are veſted by the regulations in the Court collectively, ſubject to the ſeveral reſtrictions ſpecified and alſo to the further reſtriction noticed in the following Section.

How a ſingle Judge of a Provincial Court or an Acting Judge or Regiſter thereof is to proceed with

V. In the event of any witneſs who may be examined by a ſingle Judge of a Provincial Court, or by a perſon appointed to officiate as ſuch, or by the Regiſter of the Provincial Court

acting

acting under the orders of a ſingle Judge appearing to be guilty of perjury, ſo as to merit commitment for trial before the Court of Circuit in purſuance of the proviſions made by the regulations for that purpoſe, the Judge may cauſe ſuch witneſs to be held to bail, or if ſatisfactory bail be not given for his appearance at the firſt regular ſitting of the Provincial Court, may cauſe him to be kept in cuſtody until he can be brought before two or more Judges of the Provincial Court, but ſhall not paſs a final order to commit the witneſs for trial on a charge of perjury until the grounds of it ſhall have been ſubmitted for the determination of a competent Court.

a perſon appearing to be guilty of perjury.

VI. The powers veſted by this regulation in a ſingle Judge of the Provincial Court of Appeal ſhall not be conſtrued to prevent the Court at large or any two Judges of the Court from reexamining witneſſes whoſe depoſitions may have been taken before a ſingle Judge, if it appear requiſite; or from examining any other witneſses in the cauſe, or generally from paſſing any order that may appear proper and conſistent with the regulations, whether in addition to or in qualification or abrogation of any previous order of a ſingle Judge.

Powers veſted by this Regulation in a ſingle Judge of a Provincial Court not to be conſtrued to prevent the Court at large or any two Judges thereof from the re-examining witneſſes or performing any of the other acts herein ſpecified

# A. D. 1813, REGULATION X.

A REGULATION *for the conduct of the Trade of Foreign Nations, with the ports and ſettlements of the British Nation in the Eaſt Indies; and for defining the duties to which ſuch Trade ſhall be ſubject at ſuch of the ſaid ports and ſettlements, as are immediately dependent on the Preſidency of Bombay and for prohibiting the export of Woollens from Bombay and its dependencies to China, defining the duties to be levied on Proviſions, imported on account of His Majeſty's Navy, and directing the levy of a duty on the Export of Bullion to Europe or America,* PASSED *by the Governor in Council, on the 4th September* 1813, *Correſponding with the 9th Bhadrapud Sood Sumbut, or Vekramajet Era* 1869; *Salbahan* 1735; *and 8th Rumzan* 1228 *Hejry.*

Preamble.

THE Honorable the Court of Directors of the United Company of Merchants of England trading to the Eaſt Indies, having been pleaſed to eſtabliſh certain regulations in purſuance of the powers veſted in them by an Act of Parliament, paſſed in the

the 37th Year of George the Third, Chapter CXVII, for the conduct of the trade of Foreign Nations to the ports and ſettlements of the Britiſh Nation in the Eaſt Indies, and alſo for defining the duties to which ſuch trade ſhall be ſubject; the ſaid rules have been accordingly framed into a regulation, to be in force in the territories immediately dependent on the Preſidency of Bombay, from the period of its promulgation.

Rules under which foreign European ſhips belonging to nations having a ſettlement in India may enter or clear out from Britiſh Sea ports in that Country.

Foreign European Ships belonging to any nation having a ſettlement of its own in the East Indies, and being in amity with His Majeſty, may freely enter the British Sea ports and harbours in that Country, whether they come directly from their own country or from any of the ports and places in the East Indies, they ſhall be hoſpitably received; and ſhall have liberty of trade there in imports and exports, conformably to the regulations eſtabliſhed in ſuch places. The ſaid Ships may alſo be cleared out for any port or place in the East Indies; but if cleared out for Europe, ſhall be cleared out direct for the Country in Europe, to which ſuch ſhips reſpectively belong.

Rules as to ſhips belonging to Nations having no eſtabliſhment in India, and American Ships.

*Firſt.* Foreign European Ships belonging to Countries having no eſtabliſhment in the Eaſt Indies, and Ships belonging to the United States of America may (when thoſe Countries and States reſpectively are in amity with His Majeſty) in like manner freely enter the Britiſh Sea ports and harbours in the Eaſt Indies; they ſhall be hoſpitably received there; and have free liberty to trade in imports and exports conformably to the Regulations of the place; provided always, that they proceed from their own ports direct to the ſaid Britiſh Territories, without touching at any port or place whatever in the voyage out; except from neceſſity, and merely to procure refreſhments or repairs in caſe of diſtreſs or accidents in the courſe of ſuch voyage, the burthen of the proof of which neceſſity is to reſt on the parties.

*Second.*

*Second.* The veſſels of the ſaid European powers laſt aforeſaid, and of the ſaid United States, ſhall not carry any of the articles exported by them from the ſaid British Territories, to any port or place, except to ſome port or place in their own Countries reſpectively, where the ſame ſhall be unladen. The ſaid ſhips ſhall not be cleared out to carry on the coaſting or country trade in India; but veſſels going with their original cargoes or part thereof from one Britiſh port of diſcharge to another Britiſh port, are not to be conſidered as carrying on the coaſting trade.

Such Ships not to export goods from the Britiſh Territories in India except to their own countries reſpectively.

Exception as to part of their original Cargoes.

*Third.* The ſaid veſſels ſhall not be allowed to proceed either with or without return Cargo from the ſaid Britiſh Territories to the Settlements or factories of any foreign European Nation in India, or to the Territory of any Indian or Chineſe potentate or power, except from the like neceſſity as is before deſcribed, of which the proof ſhall reſt with them.

Such Ships not to proceed from Britiſh ports to any foreign ſettlement or factory or any Indian or Chineſe port except thro' neceſſity.

*Fourth.* In clearing out for their reſpective Countries, the clearance ſhall be a direct one to the Country, European or American, to which the Veſſel belongs, and to no other whatever; they are to give bond with the Security of a reſident in the Country, that they will deliver the Cargo at the port for which the Clearance is made, and ſuch bond is to be cancelled when a certificate from a Britiſh Conſul or two known Britiſh Merchants reſident at ſuch port is produced of the *bonâ fide* delivery of the Cargo there.

Such Ships on Clearing out, ſhall give bond to deliver their Cargoes at the port for which the clearance is taken out.

*Fifth.* The following is the form of the bond which is to be executed on occaſions of that nature.

Form of the Bond.

KNOW all Men by theſe preſents, that we are jointly and ſeverally held, and firmly bound to the united Company of Merchants of England trading to the Eaſt Indies, in

in the ſum of Rupees to be paid to the ſaid United Company their certain Attorney, ſucceſsors, or aſſigns; for which payment well and truly to be made, we bind ourſelves and each of us, himſelf, our and each of our heirs, Executors and Adminiſtrators, firmly by theſe preſents, ſealed with our Seals, this day of in the year of our Lord

Whereas the Directors of the United Company of Merchants of England trading to the Eaſt Indies, by virtue of the powers by law to them given, did frame certain regulations for the trade to be carried on with the Britiſh poſſeſſions in India by the Ships of Nations in amity with his Majeſty, and thereby, among other things, directed, that foreign European Ships belonging to nations having no eſtabliſhments in the Eaſt Indies, and Ships belonging to the united States of America ſhould not carry any of the Articles exported by them from the ſaid Britiſh Territories to any port or place except the ports or places of their reſpective Countries; and that, upon ſuch Ships clearing out of the ports of the ſaid Britiſh Territories for their reſpective Countries, the clearance to be granted to them ſhould be directed to the Country to which the Ship belonged and to no other whatſoever, and that bonds ſhould be taken, with ſecurity, of perſons reſident within the Britiſh Territories, conditioning, that the Cargoes of the ſaid Ships exported from the Britiſh Territories ſhould be delivered at the ports for which their clearances were made: and whereas the above bounden of the Ship belonging to the port of in the dominion of and now lying in laden with a Cargo conſiſting of has applied to the Collector of Cuſtoms at the port of for a port clearance to the port of within the dominions of the ſaid which is intended to be granted to him. Now the condition of the above written obligation

obligation is ſuch that if, the goods herein beforementioned, and every part thereof ſhall be really and truly exported to and landed at the ſaid port of and if no part thereof ſhall be carried to and landed at any other place whatſoever, and if within months from the day of the date of the above written obligation, there ſhall be brought and produced to the Governor in Council of Bombay for the time being, or to ſuch other perſon at Bombay aforeſaid, as the ſaid Governor in Council ſhall appoint to receive and examine the ſame, a certificate ſigned by the Britiſh Conſul reſident at the ſaid port of or, if no Britiſh conſul ſhall be reſident at the ſaid port of then a certificate ſigned by two Britiſh Merchants reſident at the ſaid port of certifying that the ſaid goods have been there landed, or if there ſhall be made full and ſufficient proof to the ſatisfaction of the ſaid Governor in Council, or ſuch perſon at Bombay aforeſaid, as the ſaid Governor in Council ſhall appoint to receive and examine ſuch proof, that the ſaid goods have been taken by enemies, or periſhed in the Seas, then the above written obligation to be void, otherwiſe to be and remain in full force and effect.

How the pecuniary obligation and Security are to be adjuſted.

III. The pecuniary obligation and ſecurity required by the foregoing Clauſes of this ſection, ſhall be adjuſted on a conſideration of the Tonnage of the veſſel, and ſhall in ordinary caſes be calculated at the rate of one hundred Rupees per Ton, but an authority is reſerved to the Governor in Council to reduce that rate, in caſes in which any ſubſtantial reaſons can be aſſigned for that indulgence. Applications of this nature are uniformly to be made through the Collector of Government Cuſtoms, who ſhall forward them to the Governor in Council with his ſentiments on the ſubject for his orders.

Goods imported or exported on foreign bottoms, ſubject to duty.

IV. Goods imported or exported on foreign bottoms, ſhall be ſubject to the following duties Vizt.

*First.* On Imports 60 per Cent advance on the original Invoice Coſt atteſted upon Oath, and 4½ per Cent Cuſtoms to be levied on the aggregate.

*Second.* On Exports 3½ per Cent Cuſtoms on the original Invoice atteſted upon Oath, on ſuch Articles as may have been purchaſed at this Port.

V. The Town duty of 4 per Cent, will be collected upon the ſame principle as the 4½ per Cent Cuſtoms on imports for ſuch articles as are liable to that levy, agreeably to the proviſions contained in Regulation I. of 1810.

Woollens not to be exported from Bombay to China.

VI. Woollens, whether the manufacture of Europe, India, or any other Country, ſhall not be ſhipped for exportation from Bombay to China, on any account whatever.

Proviſions purchaſed for the uſe of H. Ms. Navy to be paſſed duty free.

exception.

VII. Proviſions and Stores purchaſed in India by His Majeſty's Naval Commiſſioners for the uſe of His Majeſty's Navy and imported at Bombay to be paſſed Duty free; except ſuch Articles of Proviſion as may be ſupplied to the ſquadron by the Contractors or their Agents which are to be ſubject to the preſcribed Duties.

Duty to be levied on the exportation of Coin or bullion to Europe or America.

exception.

VIII. A duty ſhall be levied on all Coin or bullion exported from Bombay or from any Port Subordinate thereto either to America or Europe, at the rate of three per Cent, if exported on Britiſh veſſels, and ſix per Cent if exported on foreign bottoms: provided however, that nothing contained in the preſent or in any former regulation, ſhall be conſtrued to authorize the collection of any duty on the exportation of Coin or bullion to any other place, excepting Europe and America, as aforeſaid.

# A. D. 1813, REGULATION XI.

A REGULATION *for prohibiting Covenanted Civil Servants of the Company employed in the Administration of Juſtice, or the Collection of the public Revenue, in the British Territories under the Presidency of Bombay, from lending money to Zemindars, independent Talookdars, or dependent Talookdars, or other land holders or farmers of land, holding Farms immediately of Government; or the under-farmers or Ryots of the ſeveral deſcriptions of Land-holders, and farmers of land abovementioned or their reſpective ſureties; and for prohibiting Europeans, of any deſcription, holding poſſeſſion of lands that may be mortgaged to them; or purchaſing or renting lands in the Provinces under this Preſidency, for erecting houſes, or buildings, for carrying on manufactures, or other purpoſes, without the ſanction of the Governor in Council*;—PASSED *by the Govern-*

*or*

*or in Council, on the* 16*th of September* 1813, *Corresponding with the* 6*th of Bhadrapud Vud, Sumbut, or Vekramajet Era* 1869; *Salbahan* 1735; *and* 20*th Rumzan* 1228 *Hijree.*

FROM a regard to the prejudices of the Natives, and with a view to promote their eaſe and happineſs, and to obviate the evils that would neceſsarily reſult from allowing any perſons not amenable to the provincial Court of Judicature, in Common with the Natives, to purchaſe or rent eſtates, without reſtriction or limitation, or to hold any land whatever, excepting for the erection of dwelling houſes, or Buildings for manufactures, or other Commercial purpoſes, the Governor in Council has been pleaſed to enact the following Rules.

Covenanted Servants of the Company employed in the adminiſtration of Juſtice, or the Collection of the revenue, prohibited lending money to land holders or farmers of land dependent talookdars—under farmers or ryots, or their ſureties.

II. The Judges and Magiſtrates of the Zillah Courts, the Judges to the Provincial Court of Appeal, and Court of Circuit, and the Regiſters to their reſpective Courts, and their aſſiſtants, or other Officers, being covenanted Servants of the Company, and the Collectors of the revenue and their aſſiſtants, are prohibited lending money, directly or indirectly, to any Land holder or farmer of land, dependent talookdar, or under farmer or ryot, or their Sureties; and all ſuch Loans are declared not recoverable in any Court of Judicature.

Europeans now poſſeſſing, or who may hereafter purchaſe, rent, or occupy land, without the ſanction of the Governor in Council, liable to be diſpoſſeſſed at his diſcretion.

III. No European, of whatever nation or deſcription, ſhall purchaſe, rent or occupy, directly or indirectly, any land in the Provinces belonging to the Hon'ble the Engliſh Eaſt India Company, without the ſanction of the Governor in Council; and all perſons now ſo holding land, without having obtained ſuch permiſſion, or who may hereafter ſo purchaſe, rent, or occupy land; ſhall be liable to be diſpoſſeſſed of the ſame at the diſcretion

tion of the Governor in Council; nor ſhall they be entitled to any indemnification for buildings which they may have erected or on any other account.

Europeans not prohibited lending money to land holders &c. on mortgage of the Eſtates or leaſes not to be allowed to have poſſeſſion of the land, or to have any concern in the Collection.

IV. Europeans who are not prohibited from lending money to Land holders or farmers of land, dependent talookdars, under farmers or ryots, and who may make Loans to them on the ſecurity or mortgage of their lands or leaſes, ſhall not be allowed directly or indirectly, to hold poſſeſſion of the lands, the uſufruct or leaſe whereof, may be mortgaged to them as ſecurity for the Loan, or to make or appropriate the Collections, or to have any concern or interference whatever, in the management or Collection of the rents or revenue of the lands.

Collector to depute an Officer to meaſure ground, which the Governor in Council may permit an European to hold.

V. When an European ſhall be permitted by the Governor in Council to purchaſe, occupy, or rent, any land, in the provinces belonging to the Hon'ble the Engliſh Eaſt India Company; it ſhall be meaſured by an Officer to be appointed by the Collector, and the expenſe attending the meaſurement, ſhall be paid by the party purchaſing, renting, or occupying the ground.

Collector to report when any European may poſſeſs themſelves of land without authority.

It ſhall be the duty of the Collectors to report to the Governor in Council, every inſtance that may come to their knowledge, in which Europeans may directly or indirectly purchaſe, occupy, or rent any land without ſuch authority.

Annual ſtatement of Lands held by Europeans to be ſent by the Collectors to the Governor in Council.

VI. Upon the receipt of this Regulation, the Collectors are to tranſmit a Statement, ſpecifying the names of the Europeans poſſeſſing, renting, or occupying land, within their reſpective Zillahs; the extent of the land, the purpoſe to which it is appropriated and from what period, and under what authority it has been ſo poſſeſsed: The Collectors are to tranſmit a ſimilar ſtatement to the Governor in Council annually, by the 1ſt of January.

# RULE, ORDINANCE AND REGULATION I. 1814.

RULE ORDINANCE AND REGULATION *for vesting any two of His Majesty's Justices of the Peace, with power to decide on all disputes arising between Masters and Mistresses, and any of their house hold Servants, Hamauls, or Palanqueen Bearers, and for empowering either of the Magistrates of Police to decide summarily on acts of miscarriage and ill behaviour, requiring moderate though immediate correction; Passed in Council on the 23d of March* 1814 *and Registered in the Court of the Recorder of Bombay, on the 29th of June* 1814.

Preamble.

WHEREAS it has been found expedient to place the various descriptions of House hold Servants, Hamauls or Palanqueen Bearers, in the employ of the European and Native Inhabitants of this Island, under certain Regulations, whereby they may be rendered amenable for any acts of misdemeanor or misconduct towards their Employers, and at the same time, be secured from any loss of wages or ill treatment, on the part of their Employers.

Be

Be it therefore ordained by the authority, of the Honorable the Governor in Council now assembled, that, from and after the due registry and publication of this Rule, Ordinance and Regulation in the Court of the Recorder of Bombay, the said Rules and Ordinance consisting of the Titles and Articles hereinafter stated, shall have the full force of Law within this Island, and shall be strictly obeyed as such by all His Majesty's subjects inhabiting the same.

## TITLE I.

### *Regulations with Respect to Servants &c.*

### ARTICLE 1st.

Complaints between Master and Mistress and house hold Servants in regard to wages rendered cognizable before any two Justices of the Peace.

If any complaints shall arise between any Master and Mistress and any of their house hold Servants in regard to wages, it shall be lawful for any two Justices of the Peace for the Town and Island of Bombay when such differences arise, to examine upon Oath any such Master or Mistress or any other witness or witnesses touching any such complaint or disputes and to make such order for payment of so much wages to such Servant, as to such Justices shall seem fit and reasonable; provided that the sum in question do not exceed one months wages to the servant.

### ARTICLE 2d.

As well any acts of misdemeanour or ill behaviour.

How to be punished.

That it shall and may be lawful, to and for any two Justices upon application made upon Oath by or on behalf of any Master Mistress or Employer against any servant whatever, touching any misdemeanour or ill behaviour in such his or her Service or Employment, or in absenting themselves from their service on a false pretence, to hear, examine and determine the same, and on due proof thereof, to punish the offender by Commitment to the Gaol of the said Town and Island of Bombay, there to remain and be kept to hard labour, for a reasonable time not exceeding one Calendar month, or otherwise by abating some part of his or her wages, and by discharging such Servant from his or their service and employment.

### ARTICLE 3d.

No Servant to be discharged before the end of his term. Master and Mistress to forfeit 20 Rupees in violation of this rule.

If any person after he has hired any Servant, shall put away his said Servant before the end of his term, unless it be for some reasonable and just cause, to be allowed before two Justices of the Peace for the Town and Island of Bombay; or if any Master or Mistress shall put away any Servant at the end of his term without seven days notice given before the

said end of such Term, that then every such Master or Mistress so offending shall on complaint of such servant to any two Justices of the Town and Island of Bombay, unless he or they be able to prove by one or more witnesses a sufficient and reasonable cause for putting away such Servant or Servants during their term or seven days warning given before the end of the said Term, shall forfeit a sum nor exceeding twenty rupees.

Exception.

ARTICLE 4th.

If any Servant hired by any Master or Mistress, depart from them before the end of his or her Term, unless it be for some reasonable and just cause to be shewn to two of the Justices for the Town and Island of Bombay, or if any Servant at the end of his or her term depart from his Master or Mistress without seven days warning, every servant so departing shall, on Complaint made thereof by the Master or Mistress to two of the Justices of the Town and Island of Bombay and on due proof thereof, be punished, at the discretion of the said two Justices, by a fine not exceeding one months wages or by Commitment to the Goal of the said Town and Island of Bombay, there to be kept at hard labour for a reasonable time not exceeding one month or otherwise by abating some part of his or her wages.

Servants not to leave their Masters before the end of their term except in certain cases.

To be punished and how.

## TITLE II.

*Regulations with respect to Hamauls or Palanqueen Bearers.*

I. No Hamauls shall be discharged without having received one days previous warning, or being paid one days wages;, unless it shall appear to the Magistrates, in Petty Sessions, that he has acted improperly tho' it may be optional with any Master or Mistress to keep their Hamauls while in his or her Service, in arrears, for a period not exceeding fourteen days in order to guard against their absconding without cause, or any other misconduct which may upon investigation before the proper authority render it necessary for such arrears of pay to be forfeited.

No Hamauls to be discharged but on one day's previous warning on being paid one days wages.

Time for keeping them in arrears of wages limited.

II. No Hamaul shall be permitted to leave his Service without giving one days previous warning, unless it shall appear to the said Magistrates, that the Master or Mistress of such Hamaul has acted improperly, and on Hamauls being discharged by any Master or Mistress except where misconduct shall appear on their part as aforesaid, without receiving one days previous warning and the wages due to them, or without receiving, where no such previous warning was given, one days wages, the Ma-

No Hamaul to leave his service without one days previous warning except in certain cases.

gistrates

Fines to be levied on Masters and Mistresses discharging their Hamauls without previous warning.

gistrates are hereby empowered to call before them every Master or Mistress so discharging his or her Hamauls, and to impose such fines upon him or her, as to the said Magistrates may under all the circumstances of the case appear reasonable, not exceeding one hundred Rupees.

Hamauls leaving their Service, without a discharge, to be punished and how.

III. Every Hamaul except as before excepted, leaving his Service without being regularly discharged, shall suffer such punishment as the offence may seem to require. The Magistrates in Petty Sessions shall be authorized to seize and detain in Custody all Hamauls, not conforming to the above enjoined Regulations, until they shall comply therewith, and if necessary also cause corporal punishment to be inflicted on them.

Master and Mistresses maltreating their Hamauls to be fined.

IV. And the said Magistrates are hereby also authorized and empowered, to summon before them every Master or Mistress who shall maltreat his or her Hamauls, and inflict such punishment by fine upon the offending party as to the said Magistrates may appear just and reasonable not exceeding one hundred Rupees.

Petty Offences of Hamauls and Servants made cognizable before either of the Police Magistrates.

V. And whereas Servants and Hamauls are frequently guilty of various acts of miscarriage and ill behaviour towards their Masters and Mistresses which require moderate correction. And whereas, from the Court of Petty Sessions (before whom the offences of Servants and Hamauls are now only properly cognizable) sitting but once a week, offenders of the above description are frequently kept in custody for days, not merely to the manifest deterioration of their morals, but to the great inconvenience of their Masters and Mistresses who are thereby deprived of their services: Now be it enacted and declared to be lawful for either of the Magistrates of Police, upon complaint made by any Master, Mistress or employer, against any servant or Hamaul concerning any misdemeanour miscarriage, or ill behaviour in their service immediately to hear and determine the same and on such complaint being established by the Oath of one credible witness, to punish the offender either by causing any number of lashes not exceeding 12 twelve for each offence, to be inflicted on him or her so offending, or by fining him or her any sum not exceeding five Rupees for each offence.

To be punished and how.

# A. D. 1814. REGULATION I.

A REGULATION *for determining the rate of Intereſt on Money, in the Provinces ſubject to the Preſidency of Bombay.*—PASSED *by the Governor in Council on the* 12*th of January* 1814, *Correſponding with the* 6*th Pouſh Vud Sumbut, or Vekramajet Era,* 1870; *Salbahan* 1735; *and the* 19*th Mohurrum* 1229, *Hijree.*

Preamble.

IT being eſſential to the advancement of Commerce and the Security of Property, that the rate of Intereſt on money, ſhould be fixed and determined; the following Rules have been accordingly in that reſpect enacted. And whereas it is alſo eſſential to guard againſt perſons borrowing Money on the mortgage and conditional ſale of landed property, under a ſtipulation, that if the ſum borrowed be not repaid (with or without Intereſt) by a fixed period, the ſale ſhall become abſolute; which ſpecies of transfer has been uſually denominated Bye-bil-wuffa, or Kutcubbaleh: and whereas perſons lending Money on Bye-bil-wuffa, in order to render the ſale abſolute, and thereby poſſeſs themſelves of the landed property of the borrower, may deny the tender, or evade receiving payment of the Money due to them within the period limited for the diſcharge of it.

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In ſuch caſes the proof of the tender falls on the borrower; and if he fail in the proof of it for want of legal evidence, he is liable to loſe his eſtate; it is, therefore, neceſſary for the Security of the borrower in ſuch tranſactions, that he ſhould have the means of eſtabliſhing before a Court of Judicature, his having Tendered, or being ready to pay, within the ſtipulated period, the amount due from him to the lender; who, if he mean to act fairly, will alſo derive a benefit from a Rule being laid down, whereby it may be aſcertained whether the borrower was willing to redeem his property by the payment of the Money lent upon it, within the period agreed upon between the parties; or whether from his having omitted to perform the conditions of ſuch redemption, the ſale is become abſolute, and the property included therein finally transferred to the lender. The Governor in Council has accordingly been pleaſed to paſs certain Rules for the better regulating ſuch tranſactions.

Twelve per Cent per Annum to be the higheſt rate of Intereſt.

II. The Courts of Adawlut ſhall not decree Intereſt on Money lent or on debts, above the rate of twelve per Cent. per Annum.

If a lower rate be ſtipulated ſuch rate only to be paid.

III. Where a lower rate of Intereſt may have been ſtipulated between parties than twelve per Cent. per Annum, the rate ſo ſtipulated and no other, ſhall be paid.

Where the intereſt may exceed the principal, the excels not to be decreed.

IV. Where the Intereſt on debts or on Money lent may have accumulated ſo as to exceed the principal Money; the Courts of Adawlut ſhall not decree a greater ſum for Intereſt than the amount of ſuch principal Money.

Courts not to decree compound Intereſt on intermediate adjuſtment of accounts. Proviſo.

V. The Courts of Adawlut ſhall not decree to Creditors Compound Intereſt ariſing from intermediate adjuſtments of accounts; but this rule ſhall not extend to caſes where accounts

between

between the parties having been adjuſted, the former bonds or agreements may have been cancelled, and new bonds or agreements taken for the aggregate amount of the principal, and the legal Intereſt remaining due upon the adjuſtment, conſolidated into principal Money.

Bonds given after twelve months ſubſequent to this Regulation bearing more than the legal intereſt not recoverable in the Courts.

VI. Bonds or Inſtruments which may appear to have been given after the expiration of twelve Months ſubſequently to the iſſue of this regulation, for the ſecurity and evidence of debts, and bearing a higher rate of Intereſt than twelve per centum per Annum, ſhall not be recoverable in the Courts of Adawlut.

If given prior to this regulation the legal Intereſt only to be decreed.

VII. Where Suits may be proſecuted on bonds or inſtruments given prior to the iſſue of this regulation, the Courts of Adawlut ſhall not decree the adjuſtment of ſuch debts at a higher rate of Intereſt than twelve per Centum per Annum.

How the Courts are to act in caſes of mortgages of real property where the mortgagee has had the uſufruct both before and ſubſequently to the iſſue of this regulation.

VIII. In caſes of mortgages of real property, in which the mortgagee may have had the uſufruct of the mortgaged property whether he ſhall have held it in his own poſſeſſion or not; the uſufruct ſhall be allowed to the mortgagee in lieu of Intereſt, agreeably to the cuſtom of the country; provided it ſhall have been ſo ſtipulated between the parties, and provided ſuch agreement may have been made prior to the issue of this Regulation: in caſes of ſuch agreements bearing date ſubſequently to the iſſue of this Regulation, the ſame intereſt only ſhall be allowed on ſuch mortgage Bonds, as is allowed on other Bonds granted on, or ſubſequently to ſuch date; and all ſuch mortgages ſhall be conſidered to be virtually, and in effect, cancelled and redeemed, whenever the principal ſum of Money with the ſimple Intereſt due upon it may have been recovered from the uſufruct of the mortgaged property, or otherwiſe liquidated by the mortgager.

Rule for the adjuſtment of accounts in caſes of mortgages above ſpecified.

IX. For the adjuſtment of accounts in the caſes of mortgages above ſpecified, where the mortgagee may have had the uſufruct of the mortgaged property, he ſhall deliver into Court the accounts of his groſs receipts from the property mortgaged, and alſo of his expenditures for the management or preſervation of it: the mortgagee ſhall ſwear, or (if he be of the deſcription of perſons whom the Courts are empowered to exempt from taking oaths,) ſhall ſubſcribe a ſolemn declaration, that the accounts delivered are true and authentic; the mortgager ſhall have power to queſtion the accounts, and to ſtate objections on evidence; the Courts of Adawlut ſhall then adjuſt the accounts accordingly.

This regulation not to affect reſpondentia loans or Policies of Inſurances.

X. Nothing in this Regulation ſhall be conſtrued to extend to Reſpondentia Loans, or Policies of Inſurance; the Intereſt on which ſhall be regulated by the terms of the deeds, and the laws and uſages which prevail reſpecting ſuch tranſactions.

Perſons who have borrowed money on a conditional ſale of land, & who may be deſirous of redeeming the land by payment of the money lent upon it, how to proceed for this purpoſe. May within the ſtipulated period either tender & pay the amount due, to the lender, or depoſit the ſame in the local Court of Adawlut.

XI. In all inſtances of the Loan of Money on Bye-bil-wuffa, or on the conditional ſale of landed property, however denominated, as explained in the Preamble to this Regulation, the borrower, who may be deſirous to redeem his land by the payment of the Money lent upon it with any Intereſt due thereon within the ſtipulated period, is at liberty, on, or before the date ſtipulated, either to tender and pay to the lender the amount due to him; taking ſuch precautions as he may think neceſſary to eſtabliſh ſuch tender and payment, if evaded or denied, or, without any tender to the lender, to depoſit the amount due to him on, or before the ſtipulated date, in the Court of Adawlut of the Zillah in which the land may be ſituated, and the Judge receiving the ſame ſhall furniſh the party with a written receipt for the amount, ſpecifying on what date and for what purpoſe ſuch depoſit may have been made.

Receipt to be given by the Judge for ſuch depoſit.

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He ſhall alſo, at the ſame time, cauſe a written notice of ſuch depoſit to be delivered to the lender, and on the application of the latter, and his ſurrender of the conditional bill of ſale, or ſhewing ſatisfactory cauſe why it cannot be ſurrendered, ſhall pay him the amount depoſited, and take his acknowledgment, to remain among the records of the Court. That there may be no doubt to what amount the depoſit in queſtion is to be made, it is required to be as follows. When the lender has not obtained poſſeſſion of the Lands, the depoſit is to be the principal ſum lent, with the ſtipulated intereſt thereon not exceeding the legal rate of twelve per cent per Annum; or if Intereſt be payable, and no rate has been ſtipulated, with Intereſt at the eſtabliſhed rate of twelve per cent; but if the lender has held poſſeſſion of the Land, the principal ſum borrowed only need be depoſited, leaving the Intereſt to be ſettled on an adjuſtment of the lender's receipts and diſburſements during the period he has been in poſſeſſion. In either caſe, a depoſit made as above required, ſhall be conſidered to preſerve to the borrower his full right of redemption; and if the land be in the poſſeſſion of the lender ſhall entitle him to demand the immediate recovery thereof, ſubject to the adjuſtment of Accounts ſpecified in the following Section. Provided, however, that if the borrower in any caſe ſhall depoſit a leſs ſum, than above required, alleging that the ſum ſo depoſited is the total amount due to the lender, for principal and Interest, after deducting the proceeds of the lands in his possession, or otherwiſe; ſuch depoſit ſhall be received, and notice given to the lender as above directed, and if the amount ſo depoſited be admitted by the lender, or be eſtabliſhed, on inveſtigation, to be the total amount due to him, the right of redemption ſhall be conſidered to have been fully preſerved to the borrower; who will not, however, in ſuch caſes, be entitled to the recovery of his lands until it be admitted, or eſtabliſhed, that he has paid the full amount due from him.

Notice to be given to the lender and payment to be made to him, under reſtrictions.

Specification of the depoſit required.

Rights of the borrower preſerved by making the required depoſit.

Proviſo, with reſpect to depoſits leſs than above required, if alleged to be the total amount due.

Such depoſits to be alſo received; and to preſerve the borrower's rights, if admited, or eſtabliſhed to be the total amount due.

When the lender has poſſeſſed the land, and an adjuſtment of accounts may be neceſſary, he is to account for the proceeds of the Eſtate, on the principles preſcribed in this regulation.

XII. In all inſtances where the lender on a Bye-bil-wuffa, or ſimilar conditional ſale, may have been put in poſſeſſion of the land, and an adjuſtment of accounts may conſequently become neceſſary between him and the borrower, the lender is to account to the borrower for the proceeds of the Eſtate whilſt in his poſſeſſion, on the principles preſcribed with regard to mortgages and interest in this regulation, ſo far as the ſame may be applicable to the nature of the caſe. But ſuch part of Section VIII as directs that the mortgages therein referred to, are to be conſidered as cancelled and redeemed whenever the principal ſum, with the ſimple interest due upon it, ſhall have been realized from the uſufruct of the mortgaged property, or otherwiſe liquidated by the mortgager, ſhall not be held applicable to the conditional ſales, under the denomination of Bye-bil-wuffa.

Exception.

Teep not to be considered a legal Tender, in cases referred to, unleſs accepted by the lender.

Such acceptance how to be proved.

XIII. A teep for the repayment of money lent on the conditional ſales of Bye-bil-wuffa, ſhall not be conſidered a legal tender, unleſs accepted as ſuch by the lender, the proof of which acceptance ſhall be the lenders's giving up the bill of ſale, or giving a written acknowledgment that he has received back the money lent by him.

Nothing in this Regulation to alter the contract between the parties.

And all queſtions of right to be regularly determined by the Civil Courts.

XIV. Nothing in this Regulation being intended to alter the terms of Contract ſettled between the parties in the tranſactions to which it refers, (illegal interest excepted) the ſeveral proviſions in it are to be conſtrued accordingly; and any queſtion of right between the parties is to be regularly brought before and determined by the Courts of Civil Juſtice.

Nothing in this Regulation to interfere with loans made in grain.

XV. Nor ſhall any thing in this Regulation, which is limited to interest on money, interfere with the eſtabliſhed practice of the country, founded on the Hindoo Law, in regard to loans

made

made in grain; which practice is hereby allowed to continue, with the proviſion preſcribed by the Hindoo Law whereby in no caſe is the accumulated interest allowed to be more than treble the value of the grain lent.

Intereſt on Loans in grain not to exceed treble the value of the grain lent.

# A. D. 1814, REGULATION II.

A REGULATION *for Eſtabliſhing the office of Tullaties, or village Accountants, and defining the duties of the ſaid office, in the Britiſh Territories, under the Preſidency of Bombay:* PASSED *by the Right Hon'ble the Governor in Council of Bombay on the* 12*th January* 1814 *correſponding with the* 6*th Pouſh Vud Sumbut, or Vikramajet Era* 1870; *Salban* 1735; *and the* 19*th Mohurrum* 1229, *Hejree.*

Preamble.

WHEREAS, it is expedient for the purpoſe of obtaining a correct Knowledge of the reſources of diſtricts, that the Tullaties or village Accountants, ſhould be ſubject to the immediate Authority of the Collector. The Right Hon'ble the Governor in Council has been pleaſed to enact the following rules.

Tullaties placed under the immediate authority of the Collectors.

II. All Tullaties of Villages ſhall be under the immediate Authority of the Collectors, and their ſubordinate Officers; and Collectors and their Subordinate Officers ſhall have full power to require the attendance of Tullaties, when, and where, their ſervices are wanted.

III.

Subject to diſmiſſion from office by Government.

III. Tullaties ſhall be liable to diſmiſſion from office by the Governor in Council, for incapacity, diſobedience, or neglect, of the orders of the Collectors, or for falſifying or mutilating accounts.

Tullaries to be appointed by Government on a recommendation from the Collectors.

IV. Where there may not be Tullaties eſtabliſhed, Collectors ſhall report the deficiency to the Governor in Council, and the names of the perſons whom they would recommend to the office, and to whom they are authorized to entruſt the execution of the duties of the office, protempore: where the Tullatie may have abandoned the duties of his office, for other purſuits, the Collector ſhall call upon him to return, and reaſsume the duties of his office within one month; and in the event of his failing ſo to do, ſhall report the failure to the Governor in Council, with the name of the perſon whom he would recommend to ſucceed to the office, and wait the orders of the Governor in Council.

Proviſion for the diſcharge of the duties on any Tullatie abandoning his office.

Records to be kept by the Tullaties ſpecified.

V. *Firſt*, Tullaties duly appointed to their offices ſhall keep complete regiſters according to Form No. 1. in the Appendix of the extent of the lands in each village, ſpecifying the boundaries and land marks, and ſhewing their appropriation, viz. arable, cultivated, & uncultivated, paſture, occupied for Houſes, Gardens, Rivers, Tanks, Springs, or Wells; Waſte, in Hills, Jungle, or Rocks.

*Second.* A further regiſter ſhall be kept (according to Form No. 2,) ſpecifying the extent and deſcription of land, in each village, exempt from paying revenue to Government, either wholly, or partly, with the purpoſes to which ſuch exempted lands are appropriated, and the names of the holders.

*Third.* The Tullatie ſhall keep a record according to Form No 3, of all Grants or Sunnuds by which lands are held exempt from revenue, the purpoſes for which ſuch lands were granted, the condition of the grant, and the names of the holders.

*Fourth.*

*Fourth.* Tullaties ſhall report to the Collector the death of all incumbents on lands, exempt from paying revenue to Government.

*Fifth.* Tullaties ſhall be preſent at the eſtimation of the Crops, and at the meaſuring and dividing of the produce.

*Sixth.* Tullaties ſhall keep true accounts, according to Form No. 4. of the groſs produce of all lands, whether paying revenue to Government, or not; where the produce of ſuch land may be ſhared between the Government, and the cultivators, Tullaties ſhall alſo enter in their regiſters the quantity of grain ſo divided, with the rates of diviſion.

*Seventh.* Tullaties ſhall alſo keep regiſters, according to Form No. 5, of the rates, and amount of all fees, Soocrees, and Cherdas, appropriated to the officers, and ſervants of the Purgunnah and of the Village, ſpecifying whether ſuch fees or Soocrees and Cherdas are payable from the Groſs produce of the entire lands, from the Government, or land holders ſhare, or, from the Ryots ſhare.

*Eighth.* Where lands may be liable to pay money rents, Tullaties ſhall keep regiſters according to Form No. 6, of the extent of the land cultivated, and of the rates, and amount, of the money rents.

*Ninth.* Tullaties ſhall keep regiſters, according to Form No. 7, of lands cultivated in gardens, and the rates, and amount of the diviſion of the produce of ſuch lands, when the produce may be divided in kind.

*Tenth.* Tullaties ſhall keep regiſters according to Form No. 8, of Timber and Fruit Trees and likewiſe Trees yielding ſpiri-

tous

tous Liquors diſtinguiſhing ſuch as excluſively belong to the Government, from thoſe which are the property of individuals, diſcriminating ſuch as are liable only to a diviſion of produce, and the rate of ſuch diviſion.

*Eleventh.* Tullaties ſhall keep regiſters, according to Form No. 9, of the quit rent, and ready money payments, collected in each village.

*Twelfth.* Tullaties ſhall keep monthly regiſters, according to Form No. 10, of the price of all kinds of grain, with the quantity and deſcription imported, or exported.

*Thirteenth.* Tullaties ſhall keep regiſters according to Form No. 11, of ſtrangers paſſing, or repaſſing, as reported to them by the village watchers, and ſuch regiſters ſhall at all times be open to the inſpection of the officers of Police.

*Fourteenth.* Tullaties ſhall keep the accounts, which are to exhibit the actual revenue, and charges of the village, and the records of their offices entire, and ſhall not carry ſuch accounts, or records, out of their reſpective villages, unleſs required to do ſo by competent authority—Tullaties ſecreting the accounts, or records of their offices, or tranſporting them beyond their reſpective villages, except by due authority, ſhall be liable to fine and impriſonment, until the accounts and records, may be produced, but land holders and Farmers of land, ſhall at all times have free acceſs to the accounts and records, with power to take copies of them.

To be inſpected by the Collector and Adawlut when required.

VI. Tullaties ſhall produce, whenever required by the Collector, or by the Adawlut of the Zillah, or by the land holder, or Farmer of the lands, the records and accounts relating to the lands, produce, revenue, and charges of their villages reſpectively.

VII.

VII. Tullaties ſhall be compellable to ſwear to the truth of ſuch accounts, or information, as they may furnish before a Court of Judicature, and it ſhall be competent for the Court, to grant a Commission for the purpoſe of receiving the depoſitions of ſuch Tullaties, as it may be neceſſary to examine at a distance from the Court, provided, that the ſaid Commission ſhall contain the name of each Tullatie, to be examined on oath.

Accounts of the Tullaties to be rendered on oath; Courts empowered to take the depoſitions of Tullaties by Commiſſion when at a diſtance.

VIII. Where Tullaties may deliver falſe, or fabricated, or mutilated accounts or information, after having been duly ſworn, the Judge of the Adawlut ſhall commit ſuch Tullaties to be tried for the crime of Perjury, before the Court of Circuit.

Tullaties rendering falſe accounts to be tried for perjury.

IX. Land holders or other perſons associating themſelves with Tullaties for the purpoſe of producing, or procuring falſe, or fabricated, or mutilated accounts, or information, ſhall alſo be committed by the Judge of the Adawlut, for trial before the Court of Circuit, for ſubornation of perjury.

Landholders or other perſons concerned therein to be alſo tried for perjury.

X. The accounts and records of the Tullaties are to be kept in the dialect of the village whether Mahratta, Hindooſtanee or Guzerattee and in the form of writing moſt commonly obſerved by thoſe accuſtomed to keeping records in thoſe languages.

The accounts and records to be kept in the dialect of the Village.

XI. As Villages yielding leſs than a thouſand Rupees Annual Revenue do not require the attention of a Tullatie excluſively, the charge of two or more of them is committed to the ſame officer, where the ſituation ſuits; or the accounts of the ſmaller village are to be given in charge to the Tullatie employed in that moſt contiguous, without particular reference to its extent.

Tullaties not to be appointed excluſively to Villages yielding leſs than 1,000 Rupees.

Proviſion for the ſaid Villages.

Rates of remuneration to the Tullaties.

XII. The following is to be the rate of remuneration for the Tullaties.

On Villages, the Revenues of which are more than one thouſand and do not exceed two thouſand five per Cent on one thouſand, as above preſcribed, and four per Cent on the remainder.

On Villages, the Revenues of which are more than two thouſand Rupees, and do not exceed three thouſand Rupees, remuneration to be made on two thouſand as above preſcribed, and at the rate of three per Cent for the remainder.

On Villages, the Revenues of whichare more than three thouſand Rupees and do not exceed four thouſand Rupees, remuneration to be given on three thouſand as above preſcribed, and two per Cent on the remainder.

On Villages, the Revenues of which are more than four thouſand Rupees remuneration to be given on four thouſnad as above preſcribed, and one per Cent on the remainder.

XIII. The following is a Statement in figures of the above.

On a Village yielding Revenue Rupees 1,000, the Tullaties

| | |
|---|---|
| Receive | Rs. 50 |
| On Do. 2000 | Rs. 90 |
| On Do. 3000 | Rs. 120 |
| On Ditto 4,000 | Rs. 140 |
| On Ditto 5,000 | Rs. 150 |
| On Ditto 10,000 | Rs. 200 |
| On Ditto 15,000 | Rs. 250 |
| On Ditto 20,000 | Rs. 300 |

XIV. Under this progreſſive mode of remuneration, it will be the duty of the Collector to reward the ſervices of the Tullaties by appointing them as vacancies may occur, to ſituations of greater Truſt and higher emolument according to their reſpective merits.

Tellaties to be rewarded by appointing them to ſituations of higher emolument.

XV. When the duties of the ſituation are arduous from the extent of the charge an assistant Tullatie is to be appointed, and remunerated out of the amount assigned to his principal.

Aſſiſtant Tullatie where to be appointed and how remunerated.

XVI. The Tullaties, are to reſide permanently in all villages the Revenues of which exceed 2,000 Rupees per Annum.

Villages in which Tullaties are to reſide.

# APPENDIX.

# APPENDIX.

## N°. 1.

REGISTER exhibiting the extent of the Lands in the village of in the Purgunnah of specifying the Boundaries and Land Marks, and shewing their appropriation vizt. Arable cultivated and uncultivated pasture, occupied by Houses, Gardens, Rivers, Springs, or Wells, Waste, in Hills, Jungul, or Rocks.

| Arable. | | | | | Waste. | | | | Village Boundaries and Remarks. |
|---|---|---|---|---|---|---|---|---|---|
| Cultivated, | Uncultivated, | Gardens, | Established Village Pasture, | Total Beegas. | Occupied by Houses, | Rivers, | Tanks, | Well or Springs. | Jungul, | In Hill producing Pasture | Rocks, | Total. | Grand Total. | |

# APPENDIX.

## No. 2.

STATEMENT of the Extent and Description of the Lands in the Village of .. in the Purgunnah of exempt either wholly or partly from Paying Revenue with the purposes to which they are appropriated, and Names of the Holders,

| LANDS WHOLLY EXEMPT FROM REVENUE. | | | | | | LANDS PARTLY EXEMPT FROM REVENUE. | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Names of the Holders. | Purpose to which appropriated. | Description of Land. | Number of Beegas. | Rated Value per Beega, | Total appropriated to purpose stated in 2d Column. | Names of the Holders. | Purpose to which appropriated. | Description of Land. | Number of Beegas. | Rated Value per Beega. | Rate of Assessment. | Total of exemption appropriated to purpose stated in 2d column. | |
| | | | | | | | | | | | | | |

# APPENDIX.

## N°. 3.

RECORD of Grants or Sunnunds by which Lands are held exempt from Revenue in the Village of in the Purgunnah of with the purpoſes for which ſuch lands were granted, the Condition of the Grant, and the names of the Holders.

| Names of Holders, | Purpoſe for which Granted, | Condition of Grants, | Quantity of Lands, | Rated Value per Beega, | Total Amount Value of Grants |
|---|---|---|---|---|---|
| | | | | | |

# APPENDIX.

## No. 4.

STATEMENT of the Groſs produce of the Lands of the Village of in the Purgunnah of and of the ſhare accruing to Government from thoſe Lands, paying Revenue in kind.

| Names of Fields, | Cultivators Names, | TULPUT OR SIRCAR'S LANDS. Number of Beegas. | Wheat, | Jowaree, | Badjree, | Cotton, | Toor, | Mutt, | Moong, | Barley, | Total of Groſs produce, | Sundry items Deducted | SIRCAR'S SHARE. Balance Deducting items. | Rate of Diviſion. | Amount of Sircars ſhare Mds. | Total of Sircar's ſhare including items deducted fr. m Groſs produce | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | | | |
| *WANTA, OR GRACIA'S LANDS.* | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |
| *WEIZZEFA, OR MOHUMMEDAN GRANTS.* | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | |

# APPENDIX.

## N°. 5.

STATEMENT of the Rates and Amount of all fees, Soocries and Cherdas exiſting in the Village of in the Purgunnah of Appropriated to the Officers and Servants of the Purgunnahs and of the village; ſpecifying whether they are Payable from the Groſs Produce of the Entire Lands, from the Government or Land Holders ſhare, or from the Ryots ſhare.

Payable from the Government Share,

Purgunnah Officers,

Purbhoodaſs Deſsoy,

Chohundaſs Moozmoodar,

Village Officers &c.

## N°. 6.

STATEMENT of the Land in the Village of in the Purgunnah of Paying Money Rents and of the Rates and amount of the Same.

*TULPUT,*

| Names of Fields, | Cultivators Names, | Beega, | Crop, | Description of Lands, | Rate per Beega, | Amount, | Remarks, |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

*WANTA,*

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

*WAZZEFA,*

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

# APPENDIX.

## N°. 7.

REGISTER of Lands Cultivated in Garden, with the Rates and Amount of the Diviſion of the produce of ſuch Lands or their Money Payments in the Village of in the Purgunnah of

| Names of Gardens | Names of Cultivators, | Number of Beegas, | Crop, | Quantity Mds. | Sircars proportion, | Value of Sircars Share, Rs. | Q. | Rs. | Rate per Beega, Rs. | Q. | Rs. | Amount Rs. | Q. | Rs. | Remarks, |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | |

N°. 8.

REGISTER of Timber and Fruit Trees in the Village of in the Purgunnah of Diſtinguiſhing thoſe that excluſively Belong to Government and thoſe that are the Property of Individuals and Diſcriminating ſuch as are liable to a Division of the produce and the rate of Diviſion.

| Names and Deſcription of Trees | *THE PROPERTY OF GOVERNMENT.* | | | | *THE PROPERTY OF INDIVIDUALS.* | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Number the Produce of which are not liable to Diviſion. | Number the Produce of which are liable to Di vision. | Total Number of Trees. | Rate of Division. | Number the Produce of which are not liable to Division. | Number the Produce of which are liable to Division. | Total Number of Trees. | Rate of Division. | Total of Trees in the Village. |
| | | | | | | | | | |

# APPENDIX.

## N°. 9.

REGISTER of Quit Rent and Ready Money Payments Collected in the Village of in the Purgunnah of

| Names of the Ryots. | Quantity of Land. | QUIT RENT. | | | VERRAH OF MONEY PAYMENTS GENERALLY. | | | | | | | | | | | | | | | | | | | | | | | | TOTAL OF VERRAH | TOTAL OF QUIT RENT & VERRAHS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Rupees | Quarters | Amount. | Plough Verrah | | Ghee Verrah | | Mussuary | | Kole Verrah | | Chioola Verrah | | Poonja Verrah | | Bhat | | Rullah Verrah | | Mull Verrah | | Cheiya-mon. &c. &c. | | | | | | | |
| | | | | Reas | Rupees | Quarters Reas | Rupees | Quarters Reas | Rupees | Quarters Reas | Rupees | Quarters Reas | Rupees | Quarters Reas | Rupees | Quarters Reas | Rupees | Quarters Reas | Rupees | Quarters Reas | Rupees | Quarters Reas | Rupees | Quarters Reas | | | | | | | |

## No. 10.

REGISTER of the Prices of Grain in the Village of in the Purgunnah of and of the quantity Exported and Imported for the Month.

| Month | BADJREE. | | | RICE. | | WHEAT. | | GRAM. | | BARLEY. | | MUTT. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number of Seers per Rupee | Imported | Exported | Imported | Exported | Imported | Exported | Imported | Exported | Imported | Exported | Imported | Exported |
| | | Maund. | Maund | Maund. | Maund. | Maund | Maund | Maund | Maund. | Maund | Maund | Maund. | Maund |
| Date | | | | | | | | | | | | | |

## N^o. 11.

REGISTER of Strangers Passing through the Village of in the Purgunnah of

| Date. | Names of Strangers. | Cast. | From or of what Place. | Where Proceeding. | Profeſſed Object. | Remarks. |
|---|---|---|---|---|---|---|
| | | | | | | |

# A. D. 1814. REGULATION III.

A REGULATION *for trying the validity of the titles of perſons holding, or claiming to hold, lands exempted from the payment of Revenue under grants not being Badshahie, or Royal grants; to amend and explain the exiſting limitation of time for the cognizance of Suits in the Civil Courts; and for determining the amount of the annual aſſeſſment to be impoſed on the lands so held which may be adjudged to be, or may become liable to, the payment of public Revenue, in the Britiſh territories ſubject to the Preſidency of Bombay,*—PASSED, *by the Governor in Council on the* 12*th of January* 1814, *corresponding with the* 6*th Poush vud Sumbut, or Vekramajet Era,* 1870; *Salbahan* 1735; *and the* 19*th Mohurrum* 1229, *Hejree.*

Preamble.

WHEREAS the ruling power of the provinces now ſubject to the Government of Bombay has in conformity to the ancient uſages of the Country reſerved to itſelf, and has exerciſed the actual

actual proprietary right of lands of every deſcription; and whereas, conſiſtently with that principle, all alienations of land except by the conſent and authority of the ruling power, are violations of that right; but whereas conſiderable portions of lands have been alienated by the unauthorized encroachments of the preſent poſſeſſors; by the clandeſtine colluſion of local Officers; and by other fraudulent means; it is expedient, that rules ſhould be enacted for the better aſcertainment of the titles of perſons holding or claiming to hold, lands exempted from the payment of Revenue to Government, under grants not being Badſhahie, or Royal; that the exiſting limitation of time for the cognizance of ſuits in the Civil Courts, ſhould be amended and explained; and that the aſſeſſment on ſuch lands as may become liable to pay revenue to Government ſhould be fixed; wherefore the following rules are enacted for that purpoſe.

All grants for holding lands, exempt from the payment of Revenue, made previously to the following dates, to be valid.

At Salſette and Carranja previously to the 1ſt December 1774.

At Surat previously to the 13th May 1800

In the Chowraſſy & Chickly Pergunnahs previouſly to the 15th March 1802.

In the Territories ceded by the Guicawar previouſly to the 5th June 1803.

In the Territories ceded by the Peiſhwa previouſly to the 31ſt December 1802

At Broach previouſly to the 29th Auguſt 1803.

II. All grants for holding lands exempt from the payment of Revenue, in the Iſlands of Salſette and Caranja, which ſhall have been made by competent authority, previously to the 1ſt December A. D. 1774; and all ſuch grants as may have been made in the Territories ceded by the Nawab of Surat previouſly to the 13th of May 1800; and all ſuch grants as may have been made previously to the 15th of March 1802 in the Pergunnahs of Chouraſſee and Chickly, granted, as a free gift, by the Guicawar to the Hon'ble Company; and all ſuch grants as may have been made previously to the 5th of June 1803 in the Territories ceded by the Guicawar; and all ſuch grants as may have been made previouſly to the 31ſt of December 1802 in the Territories ceded by the Peiſhwa under the Treaty of Baſſien; and all ſuch grants as may have been made previouſly to the 29th of Auguſt 1803 in the Diſtrict of Broach, of which the Company acquired poſſeſſion on that day by conqueſt; ſhall be valid; and all perſons holding lands exempt from the payment

of

of public Revenue under grants made by competent authority previouſly to the ſeveral dates herein before ſpecified, ſhall continue to hold ſuch lands without let, or moleſtation: provided that ſuch lands may not have eſcheated to the ſtate, or may not have been reſumed, and aſſeſſed for the public Revenue, ſince the period of thoſe dates reſpectively,

III. Where doubts may ariſe with reſpect either to the competency of a public Officer to iſſue grants for exempted lands, or with regard to the authority of the public Officer to reſume and aſſeſs exempted lands in caſes to be tried under this Regulation; the ſame ſhall be determined by the deciſion of the Governor in Council only; and the ſaid deciſion produced in the Courts of Judicature ſhall regulate the Judgement of ſuch Court.

Doubts as to the competence of an officer to iſſue grants for exempted lands, or as to the authority of an officer to reſume and aſſeſs ſuch lands, to be determined by the Governor in Council only.

IV. Where the Lands of perſons claiming to be exempted from the payment of revenue under authentic titles, may have paid revenue, notwithſtanding ſuch titles, for a period of twelve years antecedently to ſuch claims; the ſaid lands ſhall continue to pay the public revenue in the ſame manner as if no such titles exiſted; and the ſaid titles ſhall be null and void.

Where lands have paid revenue for twelve years, claims to exemption therefrom to be null and void.

V. *First*,—The limitation of twelve years for the commencement of Civil ſuits, under certain proviſions and exceptions, which, has been preſcribed by ſection XIII, Regulation III, 1799, and ſection XIII, Regulation I, 1800, ſhall not be conſidered applicable to any ſuits for the recovery of the public revenue, or for any public right or claim whatever, which may be inſtituted by, or on behalf of Government, with the ſanction of the Governor in Council; or by directions of any public officer or officers, who may be duly authorized to proſecute the ſame on the part of Government.

Limitation of twelve years for commencement of Civil Suits, preſcribed by exiſting regulations not applicable to any public claims, inſtituted, on the part of Government, by perſons duly authorized.

*Second*.—All claims on the part of Government, whether for the aſſeſsment of land held exempt from the public revenue without

All claims on the part of Government, for the cognizance of which no ſpecial rule may be in force

declared cognizable, under the regulations if duly preferred within ſixty years, from the origin of the cauſe of action.

without legal and ſufficient titles to ſuch exemption, or for the recovery of arrears of the public aſſeſſment, or for any other public rights whatever, (the Judicial cognizance of which may not have been otherwiſe limited by ſome ſpecial rule or proviſion in force) ſhall be heard, tried, and determined in the ſeveral Courts of Civil Juſtice to which the cognizance thereof may properly belong, under the general regulations which have been or may be hereafter enacted; if the same be regularly and duly preferred at any time within the period of ſixty years from and after the origin of the cauſe of action: provided, that ſuch cauſe of action ſhall not have originated prior to the dates inserted in the ſecond ſection of this Regulation.

Provided the cauſe of action ſhall not have ariſen prior to the periods already ſpecified.

Limitation of twelve years alſo declared not applicable to private claim of right to immoveable property, if the perſon in poſſeſſion ſhall have acquired poſſeſſion by violence, fraud, or other unjuſt or diſhoneſt means.

VI. *First.*—Nor ſhall the limitation of Twelve years fixed by ſection XIII, Regulation III, 1799, and ſection XIII, Regulation I, 1800, be conſidered applicable to any private claims of right to lands, houſes, or other permanent immoveable property, if the perſon or persons in poſſeſſion of ſuch property when the claim of right thereto may be preferred in a competent Court of Judicature, ſhall have acquired poſſession thereof by violence, fraud, or by any other unjuſt, or diſhoneſt means whatever; or if ſuch property ſhall have been ſo acquired by any other perſon or persons from whom the actual occupants may have derived his or their title, and ſhall not have been ſubſequently held under a juſt and honeſt title (ſuch as inheritance, purchaſe, fair donation or any other fair title, believed to have conveyed a right of poſſeſſion and property) during a period of twelve years antecedent to the time of preferring a claim of right thereto in a competent Court: provided that ſuch violent, fraudulent, unjuſt or diſhoneſt acquiſition be eſtabliſhed to the ſatisfaction of the Court in which the claim may be preferred; or, if the ſuit be appealable, to the ſatisfaction of the proper Court of Appeal.

Or if the perſon from whom the actual occupant derived his title ſhall have acquired poſſeſſion by ſuch means; and the property may not have been ſubſequently held, under a fair title believed to convey right for twelve years.

Provided that ſuch violent fraudulent, unjuſt or diſhoneſt acquiſition be eſtabliſhed.

*Second.*

*Second.* In all ſuch caſes, viz. when the original cauſe of action may have ariſen more than twelve years before the inſtitution of the ſuit, and the claim may not be cognizable under the exceptions and proviſions contained in the Regulations and Sections above cited; but may be nevertheleſs cognizable under the proviſion made by the preceding clauſe, from the defendants having acquired poſſeſſion of the claimed property by violence, fraud, or other unjuſt and diſhoneſt means; or from the property after being ſo acquired by any other person not having been ſubſequently held by the preſent occupant and his predecessors under a juſt and honeſt title during the preſcribed period of twelve years; the plaintiff ſhall ſet forth the same diſtinctly either in his petition of Plaint; or in his replication. The Court, after taking the anſwer and rejoinder of the defendant, ſhall if the alleged unjuſt and diſhoneſt acquiſition be denied by the defendant, examine any evidence that may be adduced by the plaintiff in proof of his allegation; as well as any evidence that may be brought by the defendant to prove his juſt and honeſt acquiſition of the property claimed, or the juſt and honeſt poſſeſſion thereof by himſelf and his predeceſſors during more than twelve years; after which the Court ſhall determine whether the ſuit in queſtion be cognizable under the preſent rules and Section or otherwiſe; and if such determination be in favor of the plaintiff; or in appealed caſes, if determination for the cognizance of the ſuit be passed by the Court of Appeal, the merits of the Plaintiff's claim of right ſhall be heard, tried, and determined, notwithſtanding the lapſe of time, in like manner as if the claim had been regularly preferred within twelve years after the origin of the cauſe of action.

Mode of proceeding to be obſerved in the caſes provided for by the preceding clause.

Plaintiff to ſet forth the circumſtances of unjuſt, or diſhoneſt acquiſition in his plaint or replication.

Evidence to be taken from both parties, if the allegation be denied by the defendant.

Determination to be passed by the original Court; and by the Court of Appeal, in Appealed caſes.

And claim of right, if declared cognizable, to be tried and determined as if preferred within twelve years after the origin of the cauſe of action.

*Third.* Provided, that nothing in the preceding clauſe of this Section, or in any part of the exiſting Regulations, ſhall be held to authorize the cognizance of any ſuit whatever in any

No ſuit whatever to be held cognizable in any Court of juſtice, if the cauſe of action ſhall have ariſen ſixty years before the inſtituting of it.

any Court of Juſtice, if the cauſe of action ſhall have ariſen ſixty years before the inſtitution of ſuch ſuit: nor ſhall any plea on the part of the plaintiff for the nonproſecution of his claim of right during, a period of ſixty years, after the origin of his alleged cauſe of action, nor any original defect of title on the part of the poſſeſſor of the property claimed after the lapſe of ſuch period, be deemed a ſufficient ground for taking judicial cognizance of any ſuit ſo preferred; moreover, although the property claimed may have been acquired by an inſufficient title within the period of ſixty years, hereby fixed as the utmoſt limit for the cognizance of any claims in the eſtabliſhed Courts of Juſtice, if the property ſo acquired ſhall have deſcended by inheritance, to the perſon in poſſeſſion when the claim thereto may be preferred after a lapſe of twelve years; or if ſuch perſon ſhall have obtained juſt and honeſt poſſeſſion thereof by purchaſe, fair donation, or by any other title believed to be juſt and valid and not appearing to be in any reſpect, colluſive for the purpoſe of depriving the plaintiff of his right, and either ſuch occupant himſelf, or any other perſon in his behalf, or from whom the property may have been obtained, under any of the titles aforeſaid, or the whole in ſucceſſion, ſhall have held quiet and unmoleſted poſſeſſion, under a title believed to be juſt and valid, during a period of twelve years antecedent to the time of a claim thereto being preferred in a competent Court; the proviſions made by clauſes firſt and ſecond, of this Section, ſhall not be conſidered applicable to any private claims to property ſo circumſtanced, which are therefore to be deemed inadmiſſible as heretofore after twelve years from the origin of the cauſe of action, unleſs the ſame be cognizable under the exceptions and proviſions already in force.

Clauſes firſt and ſecond of this ſection further declared inapplicable to any private claims to property acquired by an inſufficient title within ſixty years, if held by the actual occupant, or in his behalf or by the perſons from whom he may have obtained it without moleſtation and under a title believed to be juſt and valid during twelve years antecedent to the inſtitution of the ſuit.

Proviſions already in force as ſtated in clauſe ſecond, of this ſection, applicable to all ſuch caſes.

*Fourth.* Provided further, that no length of time ſhall be conſidered to eſtabliſh a preſcriptive right of property, or to bar the cognizance of a ſuit for the recovery of property in

Further proviſions for caſes of mortgage and depoſit. No length of time to bar the cognizance of ſuits for the recovery of property in ſuch caſes.

caſes

caſes of mortgage, or depoſit, wherein the occupant of the land or other property may have acquired or held poſſeſſion thereof as mortgagee or depoſitary only, without any proprietary right; nor in any other caſe whatever wherein the poſſeſſion of the actual occupant or of thoſe from whom his occupancy may have been derived, ſhall not have been under a title bonâ fide believed to have conveyed a right of property to the poſſeſſor.

Nor in any caſe wherein the poſſeſſion ſhall not have been under a title believed to have conveyed a right of property to the poſſeſſor.

VII. Exempted lands, held under life tenures, ſhall be reſumable by Collectors from and after the death of ſuch life tenants; and perſons claiming exempted lands on expired life grants ſhall be non-ſuited, with full coſts.

Life tenures reſumable after the death of the incumbent.

VIII. Where the grants for exempted lands may expire, or be reſumed, ſuch lands ſhall be liable to be aſſeſſed for public revenue, in the ſame manner as other ſimilar lands paying revenue in the other diſtricts of the Zillah.

How the aſſeſſment of exempted lands where the grants may expire or be reſumed is to be regulated.

IX. Perſons holding exempted lands, under grants of any deſcription ſhall not be liable to be ejected; except by the decree of a Court of Judicature.

Perſons holding exempted lands not liable after the land revenue has been permanently fixed to ejectment; except by the decree of a Court of Judicature.

X. It ſhall be competent for Collectors to demand from perſons holding exempted lands, the production of the Sunnuds and deeds by which they hold; and ſuch perſons ſhall produce their Sunnuds and deeds and deliver them to Collectors, on ſufficient receipts to be ſigned by the ſaid Collectors; perſons refuſing or delaying unreaſonably to comply with the demands of Collectors for the production of their Sunnuds, ſhall be liable to pay ſuch fine, as the Adawlut of the Zillah may adjudge; and for the ſecond, and every ſubſequent offence, ſuch perſons ſhall be liable to fine and impriſonment.

Power given to Collectors to require the production of grants for exempted lands.

Penalty in caſes of refuſal.

XI.

Collectors not to institute suits for the recovery of exempted lands, without authority.

XI. But it ſhall not be competent for Collectors to inſtitute Suits in the Courts of Judicature for the recovery of exempted lands, except by the permiſſion of the Governor in Council, obtained in writing for that purpoſe.

Collectors how to proceed when provided with ſuch authority, and the holders of exempted lands refuse to produce their Sunnuds.

XII. Where Collectors may be duly authorized to inſtitute ſuits for the recovery of exempted lands, and the holders of ſuch lands may perſiſt in refuſing to produce their Sunnuds, or deny having any Sunnuds; it ſhall be competent to Collectors in ſuch caſes to attach the ſaid lands, and to proceed againſt the holders of the ſaid lands, in likemanner as for the recovery of arrears of Revenne,

Collectors how to be compenſated for the trouble of proſecuting the holders of lands.

XIII. Collectors ſhall receive for the trouble of proſecuting the holders of lands under invalid titles, a compenſation equal to twenty five per cent on the amount of the annual Jummah of redeemed Lands, which may be recovered by the decree of a Court.

And in what particular caſes.

XIV. Collectors proſecuting to a final deciſion ſhall receive the compenſation. Collectors inſtituting Suits for the recovery of alienated lands, but leaving the Zillahs, before final deciſions may be paſſed, ſhall not be entitled to ſuch compenſation.

Penalty in caſes of forged, counterfeited, or altered grants being produced.

XV. Where grants or Sunnuds may be produced for lands to be held, exempt from the payment of public Revenue, being forged or counterfeited, or where the name of the original grantee may be forged, and another name ſubſtituted, or where a name not in the original grant or Sunnud may be inſerted; or where the denomination of the tenure in the original grant or Sunnud may be eraſed, or altered; or where the date of the grant or Sunnud may be changed, or antedated: ſuch grants and Sunnuds ſhall be null and void, as far as may relate to the exemption

emption of lands from the payment of revenue, and the officers of Government ſhall obtain decrees for the recovery of ſuch lands, together with double Costs of Suit.

Perſons practiſing frauds to be criminally proſecuted.

XVI. Perſons practiſing frauds for the purpoſe of holding lands exempt from the payment of revenue, ſhall be committed or held to bail (according to the circumstances of the caſe) to take their trial for criminal offences before the Provincial Court of Circuit.

How the aſſeſſment of exempted lands, recovered by the officers of Government, ſhall be fixed.

XVII. Where lands, held under imperfect titles, may be recovered by the officers of Government; an aſſeſsment of the land revenue ſhall be fixed in ſuch manner, as if they had never been exempted and ſhall thence forward be rated in the Registers of landed property at the full amount of the public revenue ſo aſſeſsed upon them.

All lands exempted from the payment of revenue to be regiſtered.

XVIII. A Register ſhall be kept in each Zillah of the lands held exempt from the payment of revenue, previouſly to the dates herein before ſpecified; and ſuch Registers ſhall be corrected and renewed, once in every five years. The Registers ſhall ſpecify the denomination of each grant or Sunnud; the names of the original grantors or grantees; the names of the preſent poſſeſsors, with the relation they bear to the original grantees; the dates of the Sunnuds; the names of the Villages comprized in the grant, with the extent of land specified in the local land meaſure; and the names of the Purgunnahs in which the lands may be ſituated. Such Registers ſhall be denominated "Registers "of lands exempt from the payment of revenue, under grants "not being Badſhahie or Royal."

What the Regiſter is to ſpecify.

And what it is to be denominated.

All grants for exempted lands to be regiſtered.

XIX. Perſons actually holding lands exempt from payment of Public Revenue, under Sunnuds granted previouſly to the dates herein before ſpecified, ſhall whether the Sunnuds may,

or

or may not have been confirmed by competent Authority; register the ſaid particulars regarding their reſpective Sunnuds in the offices of the Collectors of Zillahs.

Collectors to require the Regiſtry of all exempted lands by public notice.

XX. Collectors of Zillahs ſhall accordingly cauſe due notice to be given in all the Cutcheries and public places of each Zillah by written inſtruments, requiring perſons holding exempted lands to register their reſpective Sunnuds; and the ſaid notices ſhall ſpecify the particular information required for the purpoſe of registration.

The notice to ſpecify the information required.

Period of time allowed for Regiſtering ſuch lands, and the conſequence of omiſſion therein.

XXI. Where perſons holding exempted lands may refuſe, or omit to Register their titles, during one whole year from the time of Publiſhing the notice of the Collectors; ſuch lands ſhall be liable to be aſſeſſed for the full amount of the public revenue in the ſame manner as other lands of the Purgunnah not held exempt under Sunnud; but ſuch aſſeſſment ſhall not be fixed by Collectors, except by the ſanction of the Governor in Council previouſly obtained for that purpoſe in writing.

The Regiſters to be duly authenticated, & by whom.

XXII. The Register of exempted lands ſhall be paged and numbered, and authenticated by Collectors of Zillahs; the Judges of Zillahs ſhall alſo write on the laſt page of ſuch Regiſters the number of pages contained in the book, and ſhall ſubſcribe the ſame with their names The keepers of native records ſhall prepare and keep counterparts of the ſaid Registers; and copies of ſuch Registers duly authenticated, ſhall be depoſited in the Adawlut of each Zillah reſpectively. Sunnuds not entered in the Regiſters ſo authenticated, and ſubſcribed, ſhall not be deemed to be valid in any cauſe whatever.

Copies thereof to be kept in the Adawlut of each Zillah.

Sunnuds not entered therein, invalid.

Native Servants, whether public or private ſurreptitiouſly regiſtering or causing to be regiſtered,

XXIII. Where Natives, being in the public ſervice of a Judge, or of a Collector, or of an aſsiſtant Collector, or natives being private ſervants or dependents of a Judge, or of a Collector, or

of

of an Assiſtant Collector, may receive directly or indirectly, any ſum of money or valuable thing in conſideration of Regiſtering or procuring to be Regiſtered, ſurreptitiouſly or otherwiſe, grants for exempted lands, not being lawful grants, ſuch native ſervants or dependants ſhall, on due proof before a Court of Juſtice, be rendered incapable of any public Office in the ſervice of Government; the amount of the money ſo received ſhall be forfeited, together with a fine of three times the amount to Government, with the charges of Suit; and the offenders ſhall be impriſoned for a period of one whole year. The recovery of money ſo forfeited, together with the amount of the fines ſhall be proſecuted in like manner as arrears of Revenue.

grants for exempted lands, to be puniſhed by fine and imprisonment.

# A. D. 1814. REGULATION IV.

A REGULATION *for preventing the embezzlement of Public Money, and the witholding of public papers by the Native Officers of Government in the Britiſh Territories ſubject to the Presidency of Bombay; Paſſed by the Governor in Council on the 23d March* 1814, *Corresponding with the 2d Chyter Sood Sumbut, or Vekramajet Era,* 1870; *Sulbahan* 1736; *and 30th Rubeeul avul* 1229, *Hejree.*

Preamble.

IT being neceſsary to guard againſt the loſs or inconvenience incidental to the infidelity of Native Officers employed in the adminiſtration of the public revenue, the following rules have been enacted for the purpoſe of enabling Collectors to recover from Native Officers subject to their authority, all balances of public money they may not have duly accounted for; to obtain poſſeſſion of public papers they may withold or conceal, and to procure their attendance for the adjuſtment of their accounts.

Collectors to take ſecurity for the perſonal appearance of the Native Officers herein ſpecified.

II. Collectors ſhall take ſecurity for the perſonal appearance of all Native Officers entruſted with the receipt or payment of public money, or the charge of public accounts, who now are, or may be hereafter employed under them in their capacity

Condition to which the surety is to be bound.

capacity of Collectors of the revenue. The ſurety is to bind himſelf to produce the officer for whom he may become ſecurity, before the Collector, whenever his attendance, may be required, until he ſhall be discharged from the public ſervice, and ſhall have received a writing from the Collector, ſignifying that he has no demand upon ſuch Officer on the part of Government, either for money, papers, or accounts belonging to the public that may have been committed to him, or come into his poſſeſſion in his official capacity; In the event of the ſurety not producing the Officer for whom he has become ſecurity, the ſurety will be anſwerable for all demands that the Collector may have upon the Officer for public money, papers or accounts, and be liable to be proceeded againſt, in every reſpect, in the ſame manner as the officer himſelf, had he been forthcoming. When any public Native officer is removed or reſigns, the Collector is to grant him an acquittal, after he ſhall have delivered up all public papers, accounts or money that may have been committed to his charge: Collectors may require new ſureties from the Native Officers employed under them, in caſes in which they may have ground to believe that the former ſureties whether admitted by themſelves or their predeceſsors are inſufficient.

Native officers in charge of ſubordinate cutcherries to find ſurety in a ſum equal to their average monthly receipts.

III. All Native Officers in charge of ſubordinate Cutcheries, ſhall, in addition to the ſecurity for their preſence preſcribed in the foregoing ſection, find ſurety for their good conduct in a ſum equivalent to the average Monthly receipts from the reſources placed under their controul.

Collector's how to proceed to recover public money or accounts in the poſſeſsion of native Officers.

IV. If a Collector ſhall have a claim on the part of Government, on any of the Native Officers, for a balance of Accounts or Money or Papers belonging to Government, he is to require the payment of the Money, or the delivery of the Papers by a writing under his official ſeal and ſignature, ſpecifying the

amount

amount of the Money, or the particular Papers required, and the date and place that may be fixed for the delivery of the Money or Papers. If the Officer ſhall not diſcharge the Money or deliver up the Papers by the limited time, the Collector is empowered to apprehend him, aad convey him to the Jail of the Court of Adawlut of the Zillah; the Judge of which Court ſhall detain him in confinement, until the ſum demanded of him ſhall be diſcharged, or he ſhall have delivered up the Papers. The Collector is authorized likewise, to attach ſuch part of the real or perſonal property, belonging to the Officer, as may be ſufficient to make good the ſum which may be due from him. If his property ſhall be in another Zillah, he is to apply to the Collector of that Zillah, who ſhall cauſe it to be attached. If the property ſhall be ſituated within any other Jurisdiction, the Collector is to apply to the Judge of ſuch Jurisdiction to attach and deliver it into the charge of the neareſt Collector. The Governor in Council is empowered to order the property to be ſold, in ſatisfaction of the public claims. In the event of the death of any ſuch Officer, the ſurety is to be exonerated from all reſponſibility, and the Collector is to proceed againſt his heirs, by a regular ſuit in the Court to which they may be amenable, for any claims which Government may have upon the deceaſed.

Collectors how to proceed where Officers abſcond or are not forthcoming.

V. If any ſuch Native Officer who may have retained Public Money or Papers in his poſſeſſion, ſhall abſcond, or not be forthcoming, the Collector may proceed againſt the ſurety upon his engagement, or apprehend the offender and commit him to priſon, if he be within the limits of the Zillah; or if he ſhall have taken refuge in any other Zillah, and the Collector ſhall deem it neceſſary to require his perſonal attendance that he may proceed againſt him inſtead of his ſurety, the Collector is to apply to the Judge within whoſe Juriſdiction the Officer may be or reſide, to cauſe him to be apprehended. The Judge

to

to whom the application may be made, is to convey the Officer in ſafe cuſtody to the Jail of the Zillah, from which he may have abſconded.

Collector how to proceed in case of the officer absconding without having adjuſted his accounts or omitting or refuſing to attend for that purpose.

VI. If a Collector ſhall have occaſion to require any ſuch Officer to attend to adjust his accounts that the ſum due from him may be aſcertained, and he ſhall not attend upon being required by writing to that effect under the official ſeal and ſignature of the Collector to be fixed up in his Cutchery, and at the place in the Zillah at which the officer may have last reſided, the Collector is empowered to prepare the most accurate ſtatement that he may be able of the Money or Papers in the poſſeſſion of ſuch Officer, and proceed againſt the ſurety upon his engagement, for the balance or papers, in the ſame manner as if the accounts had been adjuſted, and the liſt of the Papers prepared in the preſence of the Officer; or he may cauſe the Officer to be apprehended by his own authority, under Section IV, if he be within the limits of the Zillah, or if he ſhall have taken up his abode in any other Zillah, or Juriſdiction, by application to the Judge in the manner directed in Section V. If it ſhould afterwards appear upon enquiry before the Court, that no part, or a portion only of the ſum demanded was due from him, or that the papers required were not in his poſſeſſion, the Collector ſhall not be liable to pay any damages for having confined him, and all coſts that may be incurred in the ſuit or enquiry ſhall be paid by the Officer.

Officers or ſureties confined for a demand of money to be releaſed in the caſe herein ſpecified.

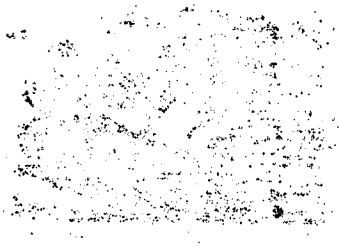
VII. If any ſuch officer or his ſurety ſhall be confined on account of a claim for public money, and previouſly to the ſale of his property, or ſuppoſing the Collector not to have been able to get poſſeſſion of any property belonging to him, at any time ſubſequent to his confinement, ſhall deny the juſtneſs of the whole, or any part of the demand made upon him by the Collector, and find ſome reſponſible perſon who will become ſecurity that he

will

will inſtitute a ſuit in the Court, in fifteen days againſt the Collector, to try the demand, and to pay the ſum that may be awarded againſt him with coſts, and intereſt at the rate of twelve per cent from the date on which the ſum may be demanded of him to the date of the Decree, the Court is to discharge the officer or ſurety, and ſubmit the Petition to the Governor in Council, and be guided by his inſtructions, and if any property belonging to the Officer or ſurety ſhall have been ordered to be ſold, the ſale ſhall be countermanded and the property reſtored to the owner.

Native Officers or their ſureties at liberty to repreſent their caſe for the Cognizance of Government whilſt in confinement.

VIII. If any ſuch Native Officer or his ſurety ſhall be committed to cuſtody by the Collector, and ſhall not obtain his release in the mode ſpecified in ſection VII, he ſhall nevertheleſs be at liberty whilſt in confinement to transmit his repreſentation for the cognizance of Government, through the Judge of the Zillah, ſhould he deem the demand upon him unjuſt.



# A. D. 1814. REGULATION V.

A REGULATION *for prohibiting the vend of certain Drugs and Substances, except under Licences to be granted by the Collectors*, PASSED, *by the Governor in Council of Bombay, on the 20th of April* 1814, *corresponding with the 15th Chyter Vud Sumbut, or Vekramajet Era*, 1870; *Salbahan* 1736; *and the 28th Rubeeoolakhir* 1229, *Hijry.*

Preamble.

THE facility with which Poiſonous Drugs and Substances destructive of human life, are at times obtained, particularly in the City of Surat; and the secrecy with which murders may be perpetrated by their agency, rendering it neceſsary that the vend of ſuch Articles ſhould be prohibited excepting under ſalutary checks and controul. The following Regulations have been enacted to take effect from the date of their promulgation.

Restriction on the retail Sale of Poisons without a licence.

II. No perſon ſhall be allowed to vend by retail, Poiſonous Drugs or deleterious Substances, without a Licence from the Collector, which ſhall ſpecify the name, Cast, and place of abode, of the vender.

The

The names of the Poisons so prohibited, to be sold.

III. The Substances, considered to be immediately destructive of human life, and which are prohibited to be retailed under this Regulation without a Licence, are the following. viz.

MINERAL POISONS.

Antimony,
Glaſs of,
Crocus,
Arſenic,
White,
Yellow,
Red,
Cobalt,
Lead Burnt,
White,
Red,
Sugar of,
Vitriol Blue,
Verdigrease,

VEGETABLE POISONS.

Nux Vomica,
Cocculus Indicus Bichhnak "Napellus Moysis."

To whom these Poisons are to be sold by the licenſed Venders.

IV. No Licenced Perſons ſhall ſell any of the Articles above ſpecified, excepting to Perſons whom they well know, and for purpoſes previously explained to them.

Entries of the Sale with all particulars to be made in their Books.

V. Licenſed Venders of theſe ſubstances, ſhall make full entries of all their Sales in a book which they ſhall preſerve for that purpoſe, which ſhall ſpecify the name, Cast, and place of abode of the perſon purchasing the Articles and the date of ſale.

To be inſpected by the Magistrates Department, when required.

VI. The Book of Sales ſhall be produced whenever called for by the Magistrate, and it ſhall be open for inſpection at all times to ſuch of the Officers of the Court as the Magistrate may order to examine the ſame.

Every

VII. Every Licence ſhall ſpecify the standard quantity of each drug which, ſhall determine a retail traffic, Previously to its being delivered to the perſon applying for it, it ſhall be Registered in the Collectors Office for which a fee ſhall be paid of 5 Rupees to be carried to the public account.

The quantity of each drug to be ſpecified in the licence.

A fee to be collected on issuing licences.

VIII. The Licences ſhall be renewed annually on payment of the ſame fee.

Licences to be annually renewed.

IX. Perſons ſelling anyof the Articles enumerated in Section III. without a Licence and all offences against this Regulation, ſhall be puniſhed by fine or impriſonment, at the diſcretion of the Magistrate, ſubject to the restrictions of Section VII. and VIII. Regulation III. A. D. 1800.

Unlicenced venders to be puniſhed and how.

X. Nothing herein contained ſhall be understood to prevent the regular Vyds or Hakeems, from administerring drugs as Medicines in the courſe of their profeſsional practice.

Regular Vyds or Hakeems permitted to ſell poiſons.

The names of the Poisons so prohibited, to be sold.

III. The Substances, considered to be immediately destructive of human life, and which are prohibited to be retailed under this Regulation without a Licence, are the following. viz.

MINERAL POISONS.

Antimony,
Glass of,
Crocus,
Arsenic,
White,
Yellow,
Red,
Cobalt,
Lead Burnt,
White,
Red,
Sugar of,
Vitriol Blue,
Verdigrease,

VEGETABLE POISONS.

Nux Vomica,
Cocculus Indicus Bichhnak "Napellus Moysis."

To whom these Poisons are to be sold by the licensed Venders.

IV. No Licenced Persons shall sell any of the Articles above specified, excepting to Persons whom they well know, and for purposes previously explained to them.

Entries of the Sale with all particulars to be made in their books.

V. Licensed Venders of these substances, shall make full entries of all their Sales in a book which they shall preserve for that purpose, which shall specify the name, Cast, and place of abode of the person purchasing the Articles and the date of sale.

To be inspected by the Magistrates Department, when required.

VI. The Book of Sales shall be produced whenever called for by the Magistrate, and it shall be open for inspection at all times to such of the Officers of the Court as the Magistrate may order to examine the same.

Every

VII. Every Licence ſhall ſpecify the standard quantity of each drug which, ſhall determine a retail traffic, Previously to its being delivered to the perſon applying for it, it ſhall be Registered in the Collectors Office for which a fee ſhall be paid of 5 Rupees to be carried to the public account.

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Unlicenced venders to be puniſhed and how.

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Regular Vyds or Hakeems permitted to ſell poiſons.

# A. D. 1814. REGULATION VI.

A REGULATION *for authorizing the confiscation and Sale of Goods, Wares, or Merchandize which may be forfeited by a breach of the Regulations of the Government, and for rendering Goods illicitly ſhipped at* MADRAS *or* CALCUTTA, *or at any Port within the jurisdiction of those Presidencies reſpectively, liable to ſeizure and confiſcation if imported into* BOMBAY, *or any of the Ports Subordinate thereto,* PASSED *by the Governor in Council on the 4th of May* 1814, *Correſponding with the* 15*th of Vyſacksood Sumbut, or Vekramajet Era,* 1870; *Salbahan* 1736; *and* 13*th of Jumady ool avul* 1229, *Hejry.*

Preamble.

WHREAS it is neceſsary that rules ſhould be prescribed for the guidance of the Revenue Officers in the confiſcation of Goods and Merchandize which may be imported into Bombay or any of the Ports Subordinate thereto, in violation of the Regulations now eſtabliſhed or which may hereafter be eſtabliſh-

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ed for the Security of the Hon'ble Company's Revenues; and whereas it is expedient that the Revenue Officers ſhould alſo be empowered to confiscate Goods and Merchandizes, which may be imported at the Port of Bombay or any of the places ſubordinate thereto, from any Port or Place within the Presidencies of Calcutta and Madras reſpectively; without conforming to the Regulations of the Presidency to which the Port of ſhipment ſhall belong, the following Rules have been accordingly enacted.

All ſeizures of Goods Wares and Merchandize in purſuance of any Revenue Regulation to be proceeded on heard examined and determined in a Summary way before the Cuſtom Maſters or Deputies and to be condemned and ſold by them.

II. Where any Goods, Wares, or Merchandize ſhall be ſeized as forfeited, by virtue or in purſuance of any Regulation reſpecting the Revenues under the management of the Governor in Council of Bombay, by any of the Officers of the ſaid Revenues, all ſuch ſeizures ſhall be proceeded on, heard, examined and determined in a ſummary way before the Custom Master of Bombay, or his deputy for the time being, or before the Custom Master of any other Port or place within the Presidency of Bombay, where ſuch ſeizure may have been made or near to the place where ſuch ſeizure may have been made, or his deputy, for the time being; which ſaid Custom Master, and Deputy Custom Master reſpectively within their reſpective juriſdictions, ſhall be and are hereby authorized and empowered to cauſe the reſpective perſon or perſons in whoſe custody ſuch Goods, Wares, or Merchandize ſo ſeized as aforeſaid were found at the time of the ſeizure thereof, to be Summoned to appear before them, at their reſpective Offices, and upon the appearance or default of ſuch perſon or perſons ſo to be ſummoned, to examine into the cauſe of ſuch ſeizure or ſeizures, and thereupon to proceed to give judgement for the condemnation of ſuch Goods, Wares, and Merchandizes as upon due examination ſhall be found to be forfeited by virtue of any Regulation, relating to the ſaid Revenues under the management of the ſaid Governor and Council of Bombay, and

to make an order for the ſale of ſuch Goods Wares and Merchandizes as ſhall be ſo by them reſpectively condemned.

Goods &c. imported from any Port within the Preſidencies of Bengal and Madras without a Certificate of the payment of the regular duties leviable at the port of ſhipment to be forfeited.

III. All Goods Wares and Merchandizes imported or brought into any Port or Place within the Presidency of Bombay from any Port or Place within the Preſidencies of Calcutta and Madras reſpectively, ſhall be forfeited, unleſs the Perſon or Perſons in whoſe Cuſtody ſuch Goods, Wares, or Merchandizes be found, ſhall produce to the Cuſtom Maſter of the Port or Place where ſuch Goods, Wares or Merchandizes ſhall be found, or his deputy for the time being, a Certificate from the Custom Maſter at the Port of Shipment, or his Deputy for the time being, that all Cuſtoms, Export duties and charges whatsoever, which the Revenue Regulations of the Preſidency to which the ſaid Port of Shipment ſhall belong, require to be paid at the ſaid Port of Shipment, have been paid to the ſaid Cuſtom Maſter or his Deputy for the time being.

Appeal againſt the forfeiture to lie to the Sudder Adawlut at Bombay or Zillah Judges at Subordinate Stations.

IV. A Petition of Appeal descriptive of all the circumſtances of the caſe and confirmed on Oath ſhall lie to the Sudder Adawlut, by Parties conceiving themſelves aggreived by the operation of this regulation at the Preſidency, Bancoote, Caranja or at Malwan, or at any other Port where there may be no Court of Adawlut; and to the Zillah Judge at the other ſtations ſubordinate to Bombay where Courts of Adawlut may be eſtabliſhed.

The deciſion of the Sudder Adawlut and Zillah Judges to be final.

V. The deciſion of the Sudder Adawlut or of the Zillah Judge ſhall be final.

Goods confiſcated to be ſold on account of the Company.

VI. On Goods, Wares, or Merchandize being adjudged to be finally confiſcated, the Cuſtom Maſter will proceed to diſpoſe of the ſame by public auction on account of the Company.

# A. D. 1814. REGULATION VII.

A REGULATION *for facilitating the progreſs of detachments of Troops through the Company's Territories; for affording any requiſite aſſiſtance to perſons travelling through the Territories; and for the guidance of the Civil Officers in applying for Military Guards,*—PASSED *by the Governor in Council of* Bombay *on the* 17*th of August* 1814, *Correſponding with the* 2*d (Firſt) Bhaderpud ſood Sumbut, or Vekramajit Era* 1870; *Salbahan* 1736; *and* 1*ſt Ramzan* 1229, *Hijry.*

Preamble.

WHEREAS, it is expedient to enact into a Regulation, for general information and obſervance, the rules for facilitating the progreſs of Military detachments through the Company's Provinces; for aſcertaining and defraying any neceſsary expence incurred for that purpoſe, and for providing a compenſation, when any material damage may be ſuſtained in the cultivation of the Country, from the march or encampment of Troops. WHEREAS, it is alſo judged proper, to command the local Officers of Police, to afford ſuch reaſonable aſſiſtance as may be required by travellers (whether European or Native) proceeding through

through their reſpective jurisdictions in procuring the means of proſecuting their Journies; AND WHEREAS, it is farther neceſſary to eſtabliſh rules prohibiting, with certain exceptions, the uſe of the uniform of the Company's Native Troops; the ſending of Sepoys or Laſcars into Villages, for the purpoſe of procuring proviſions; or of preſſing Coolies, Cartmen, Bullockmen, Boatmen, or others, and the employing of badged peons or other public Servants wearing badges: AND WHEREAS, it is likewiſe neceſsary, that fixed and defined rules ſhould be eſtabliſhed for the guidance of the Magiſtrates and other Civil Officers in applying for detachments, guards or eſcorts for the public ſervice from the regular battalions; AND WHEREAS, it is moreover neceſsary that this as well as other Regulations ſhould be duly promulgated: the following rules have been enacted, to be in force throughout the whole of the Provinces ſubject to the immediate Government of Bombay, from the date of their promulgation.

Timely notice to be given to Collectors and Magiſtrates, by Officers commanding detachments, proceeding throughout any part of the Company's Territories.

II. Whenever a detachment of Troops, or a ſingle Corps ſhall be ordered to proceed, through any part of theſe Territories, the Commanding Officer of ſuch detachment or Corps, is required to give the earlieſt practicable notice to the Collectors of the Revenue of the Zillahs, through which the Troops are to paſs, of the probable times of their arrival within the diſtrict, and the particular places where ſupplies may be required, together with a ſpecification of the Supplies which will be wanted—The Commanding Officer ſhall likewiſe notify to the Collectors, the probable period of the arrival of the Troops at any rivers or nullahs interſecting their march, where boats or temporary bridges may be neceſſary for croſſing the Troops and the baggage attached to them—The Commanding Officer ſhall at the ſame, time communicate to the Magistrates of the Zillahs through which the Troops are to paſs, the probable time of the arrival of the Troops within their respective juriſdictions.

III.

In what manner the Collector ſhall proceed on receiving the above notice.

III. *First.*—On receiving the notification mentioned in the foregoing Section, the Collectors ſhall immediately iſsue the neceſsary orders to the landholders, farmers, tuhſeeldars, or other perſons in charge of the lands through which the Troops are to paſs, for providing the ſupplies required, and for making any requiſite preparations of boats or temporary bridges, or otherwiſe, for enabling the Troops to croſs ſuch rivers or nullahs, as may interſect their march, without any impediment or delay—The Collector ſhall, at the ſame, time depute a creditable native Officer to accompany the Troops through his Juriſdiction, for the purpoſe of aiding in procuring the neceſsary ſupplies, and of facilitating the march of the Troops—It ſhall be the duty of ſuch native Officer, to provide the Troops with whatever bearers, coolies, boatmen, carts and bullocks, may be indiſpenſably neceſsary to enable the Troops to proſecute their route—Should he experience any difficulty in the performance of his duty, he is at liberty to apply for aſſiſtance to the neareſt Police Officer, who is directed to afford his aid in providing the number of perſons, and of carts and bullocks, required.

At what rates ſupplies furniſhed to Troops marching through the company's Territories, ſhall be paid for.

*Second.* The Supplies furnished under the foregoing clauſe (including earthen pots, firewood and every article of ſupply) ſhall be paid for by the perſons receiving the ſame, at the current Bazar prices of the place at which they may be provided; and all Officers commanding detachments of troops marching through any part of the Company's Territories, are ſtrictly enjoined to make immediate enquiry into any complaints which may be preferred to them by the perſons furniſhing ſuch ſupplies, or in their behalf, against any perſon or perſons under their command and to afford ſuch redreſs to the complainants as the nature of the caſe may appear to require.

Commanding officers to make immediate enquiry into complaints preferred to them againſt perſons under their command.

Certificate to be granted by the Commanding Officer when Troops ſhall be provided with boats, bridges or other

IV. *First*—Whenever a detachment of Troops, or a ſingle corps, ſhall be provided with boats, temporary bridges, or other accommodations, by any landholder, farmer, tuhſeeldar

or

accommodations, under this regulation to enable them to profecute their route.

or other perſon, for the purpoſe of croſſing the Troops and their baggage over rivers or nullahs conformably to the orders of the Collector of the Zillah, the Commanding Officer of ſuch detachment, or Corps, ſhall grant a certificate to the perſon furniſhing the ſame, ſpecifying the number of boats and perſons employed on the public ſervice—In inſtances, in which temporary bridges or rafts may be conſtructed for the above purpoſe, the certificate to be granted by the Commanding Officer is to ſpecify generally, the dimenſions of the bridges or rafts, and the materials of which they may be compoſed.

Such Certificate to be tranſmitted to the Collector by the perſon receiving it, with a detailed account of the expence incurred.

*Second.*—The certificate mentioned in the foregoing clauſe, ſhall be immediately tranſmitted to the Collector of the Zilla, by the perſon receiving it, accompanied by a detailed account of the expence incurred for the purpoſes therein ſpecified. The Collector ſhall, without delay, communicate the particulars of the account to the Officer Commanding the detachment, or Corps, on whoſe account the expence may have been incurred, who ſhall certify generally thereon, whether the ſervices charged for in it were performed, or ſhall ſtate ſuch exceptions as he may have to offer to any of the charges.

The account to be tranſmitted by the Collector to the Commanding Officer.

What to be certified thereon by the Commanding Officer.

The account & vouchers to be tranſmitted by the Collector, with his report on the charges thro' the preſcribed channel to the Governor in Council.

*Third.*—When the account abovementioned ſhall be returned to the Collector, he ſhall certify, whether the ſums and rates charged, are, in his opinion reaſonable, and conformable to the uſual rates of labor, and hire in the Zilla; and ſhall tranſmit the account, with the vouchers and certificates relating to it, with any requiſite obſervations thereupon, through the preſcribed channel to the Governor in Council. After the account ſhall have undergone the examination and report, preſcribed for all Military contingent charges, the Governor in Council will pass such final order as may appear proper—In the mean time the Collector is empowered, in ſuch caſes, to pay the amount of the charge or ſuch proportion of it, as he may conſider reaſonable, to the landholder, farmer, or other perſon entitled there-

In the mean time the Collector is empowered to pay ſuch proportion of the charge, as he may conſider reaſonable, in

to;

to; inſerted the amount ſo diſburſed at the foot of his Treaſury account, in explanation of his Treaſury balance, in the mode preſcribed for ſimilar caſes.

Inſerting the amount at the foot of his treaſury account.

V. *First*,—Whenever a proprietor, farmer, tenant or manager of land, through which any detachment or corps of His Majesty's or of the Company's Troops may march, or on which they may be encamped, ſhall conſider himſelf entitled to compenſation for any injury ſuſtained from the march or encampment of the Troops, he ſhall immediately furniſh the Commanding Officer of ſuch Troops with as accurate a Statement as can be prepared, of the nature and extent of the injury ſuſtained; when the Commanding Officer is required to certify generally thereon, whether or not the damage repreſented to have been ſuſtained, has been actually committed, together with his opinion reſpecting the Juſtice and extent of the claim.

In what manner landholders and other perſons farming or holding land, are to proceed, who ſhall have ſuſtained any injury from the march or encampment of Troops.

Certificate to be granted by the Commanding Officer on ſuch occaſion.

*Second*,—If the proprietor, farmer, tenant, or manager, after receiving ſuch certificate, ſhall conſider himſelf entitled to compenſation, he will be at liberty to preſent the Statement of his claim, with the Officers certificate thereon, to the Collector of the Zilla, (either in perſon or by his Vakeel) within ten days from the date of the certificate, but no claim of this deſcription ſhall be received by the Collector, after the expiration of that period, unleſs the perſon preferring it, ſhall aſſign good and ſatisfactory reaſons for the delay.

The perſon receiving ſuch Certificate is at liberty to preſent the ſame with a Statement of his claim to the Collector within ten days from the date of the Certificate.

Exception to the foregoing rule.

*Third*,—The Collector on receiving a ſtatement of damage, and the Commanding Officer's certificate thereon, within the preſcribed period, or afterwards, if ſufficient reaſon be aſſigned for the delay, ſhall forthwith adopt ſuch meaſures as may appear requiſite to aſcertain whether or not the claim be well founded, and ſhall report his proceedings to the Governor in Council, accompanied by his opinion on the merits of the claim, for

Rule for the conduct of the Collector on receiving ſuch ſtatement or Certificate.

To report his proceedings to the Government.

With the exception ſpecified in this clauſe no claim will be received, unleſs accompanied by the preſcribed Certificate of the Commanding Officer.

for the conſideration and orders of Government. It is however, declared that no claim will be received unleſs accompanied by the preſcribed certificate of the Commanding Officer of the Troops, by whom the damage may be ſtated to have been committed, excepting inſtances, in which the claimant can ſhew good and ſufficient cauſe for not having obtained ſuch certificate—In ſuch caſes, if the Collector be ſatisfied with the cauſe aſſigned by the claimant for not having obtained the preſcribed certificate, he ſhall tranſmit the petition and ſtatement of the claimant to the Officer Commanding the Troops by whom the damage may be ſtated to have been committed, and ſhall wait his reply thereto, previouſly to determining whether or not the claim be entitled to inveſtigation.

In what manner the Magiſtrates are to act on receiving the notice mentioned in Section H.

VI. Immediately on receiving the notification mentioned in Section H. the Magiſtrate ſhall tranſmit Orders to the ſeveral Police Darogahs, or other local Officers of the Police on the route of the Troops, to afford every aſſiſtance in their power to facilitate the march of the Troops through their reſpective juriſdictions, and to co-operate, as far as neceſſary, with the perſon deputed on the part of the Collector, in procuring the requiſite ſupplies: as well as in adjuſting any diſputes, which may ariſe reſpecting the prices of the articles furniſhed, and in preventing any alarm to the inhabitants of the Country.

In what manner police officers are to aſſiſt, in facilitating the march of Troops.

What report to be made to the Commander in Chief, by Officers commanding troops on their march through the Company's Territories.

VII. Officers Commanding detachments of Troops, or ſingle Corps, on their march through any part of the Company's territories, are required to report to the Commander in Chief, in what manner the Troops have been ſupplied, in paſſing through the diſtricts in their route—In like manner, the Collectors and Magiſtrates are directed to report to the Governor in Council, any complaints which may be made to them of the misbehaviour of the Troops, whenever ſuch complaints ſhall appear to be well founded, and of ſufficient importance to require communication to Government.

In certain caſes any miſbehaviour of the Troops to be reported by the Collectors and Magiſtrates to the Governor in Council.

VIII. Whenever any Military Officer, not commanding, nor proceeding with a Corps, or detachment of Troops, or any other perſon (whether European or Native) not reſtricted by government from paſſing through the Country, may be proceeding within any part of the Company's provinces, either on the public Service, or on his private buſineſs, and ſhall be in need of aſſiſtance during his route, to enable him to proſecute his Journey, he ſhall be at liberty to apply to the neareſt local Officer of Police to aid him in providing any requiſite Bearers, Coolies, Boatmen, Carts, or Bullocks, or any neceſsary ſupplies of proviſions or other articles—On receiving an application of the above nature, the Police Officer, to whom it may be made, ſhall furniſh the aid required, or cauſe it to be furniſhed by the proper perſon or perſons; provided that a ſufficient number of perſons who have been accuſtomed to act as Bearers, Coolies, or Boatmen, or the requiſite number of Carts and Bullocks, not excluſively appropriated to the purpoſes of agriculture, and occaſionnally let for hire, can be procured within his jurisdiction—But all Police Officers are ſtrictly forbidden, under pain of diſmiſſion from Office (under the rules prescribed by Regulation IV. 1800.) on applications of the above nature, to compel any perſons, not accuſtomed to act as Bearers, Coolies, or Boatmen, to ſerve on ſuch occaſions, or to furniſh a traveller, or cauſe him to be furniſhed, with Bullocks or Carts, kept, for private uſe and not for hire, or excluſively appropriated to the purpoſes of Agriculture —Perſons ſo employed, and the perſons in charge of Carts and Bullocks ſo provided, ſhall be at liberty to return from the firſt Police Station in the next Zilla, through which the Corps or detachment is to march, unleſs a voluntary engagement to the contrary may be entered into by ſuch perſons. The Police Officers are further enjoined to be careful, that a proper compenſation for the Bearers, Coolies, Boatmen, Carts or Bullocks, employed and a juſt price for the proviſions or other articles provided, be ſecured to the perſons entitled thereto, for which purpoſe

Police Officers are empowered in caſes of neceſſity, to aſſiſt travellers in procuring their route.

In what manner ſuch aſſiſtance ſhall be afforded.

Perſons and Carts and bullocks of a certain deſcription not to be employed in furniſhing ſuch aſſiſtance.
Penalty for a breach of the above rule.

Perſons employed under this Section to be at liberty to return from the firſt Police Station in the next Zilla, unleſs they may have engaged to the contrary.

poſe the Police Officers are authoriſed to adjust the rate of hire to be paid for the Bearers, Boatmen, Carts or Bullocks required, and the price of any articles provided—Should any traveller refuſe to comply with the adjuſtment ſo made by a Police Officer, he will not be entitled to any aſſiſtance from the Officers of Government under this regulation.

On what conditions aſſiſtance will be afforded to travellers.

IX. *First.*—All perſons whether European or Native, within the Company's provinces (excepting ſuch privileged perſons as the Government may ſpecially exempt from the operation of the rule contained in this Section) are poſitively forbidden to dreſs any of their Servants, either for the purpoſe of parade or of buſineſs, in the uniform of the Company's Sepoys and laſcars, or in a dreſs ſo nearly approaching to that uniform, as to enable the perſons wearing it, to impoſe themſelves on the Country people for Sepoys and Laſcars.

Prohibition againſt private Servants appearing dreſſed like Sepoys and Laſcars, with certain exceptions.

*Second.* All natives excepting thoſe actually in the Military Service of the Company or belonging to perſons ſpecially exempted by Government from the operation of this rule, are forbidden to wear a dreſs ſimilar to that mentioned in the foregoing clauſe.

The above rule extended to all Natives, with certain exceptions.

*Third.* Officers of every deſcription, employed in the Service of the Company, who are allowed eſtabliſhments of Peons, in their official capacity, or who may have occaſion to employ perſons of that deſcription, in ſuch capacity, are prohibited from clothing them with a Military dreſs.

Officers of every deſcription not to clothe their public ſervants with a Military dreſs.

*Fourth.*—With the view of giving full effect to the orders contained in the preceding clauſes, the Military Commanding Officers of Stations, and of detachment in the interior parts of the Country, and the ſeveral Zilla Magiſtrates are hereby authorized and required, to deprive of a Military dreſs any perſon who ſhall wear it contrary to theſe orders. The local Officers

What Officers are employed to deprive of a Military dreſs any perſon who ſhall wear it in oppoſition to theſe orders.

of

of Police are alſo empowered and directed to apprehend all perſons of the above deſcription, and to ſend them to the Magiſtrate, who will deal with them in the manner above preſcribed.

Police Officers to apprehend and ſend to the Magiſtrate perſons of the above deſcription.

*Fifth.* Military Officers, or other perſons, to whom eſcorts may be allowed, when travelling through the Country, are forbidden to ſend Sepoys or Laſcars into the Villages, for the purpoſe of procuring any ſort of proviſions or of preſſing Bearers, Coolies or Boatmen—Every local Officer of Police, upon proper application will, under Section VIII. of this Regulation, grant ſuch aſſiſtance as he may be able to afford; and all violent meaſures, therefore, will be conſidered equally illegal and unneceſsary.

All perſons to whom eſcorts may be allowed, are forbidden to ſend ſepoys or laſcars into the Villages, to procure proviſions or to preſs bearers, coolies or boatmen.

*Sixth.* No perſon ſhall be allowed to diſtinguiſh his Peons, or other Servants, with badges, except the public Officers (Civil or Military) employed in the Service of the Company, who are allowed eſtabliſhments of Peons in their Official capacity, or who may have occaſion to employ perſons of that deſcription, in the public Service. The ſeveral Zilla Magiſtrates are empowered and directed to apprehend any perſon (not being in the Service of a public Officer of the Government, authorized to entertain ſuch ſervants) who ſhall wear a badge, in oppoſition to the prohibition contained in this clauſe, and to deprive him of the badge. The local Officers of Police are alſo authorized and directed to apprehend perſons of the above deſcription, and to ſend them to the Magiſtrate, by whom the offender will be dealt with as above directed. Any European, not being a public Officer of the Government, to whom ſuch deſcription of public Servants is allowed, employing badged Peons, or other deſcriptions of Servants wearing badges, contrary to this prohibition, will be liable to the ſevere diſpleaſure of Government, on repreſentation of the circumſtances of the caſe

No perſon excepting the public officers of Government, to diſtinguiſh his ſervants with badges.

The Magiſtrates to apprehend & deprive perſons of their badges, who ſhall wear badges contrary to the above prohibition.

The Police officers to apprehend perſons of the above deſcription and ſend them to the Magiſtrate.

The Magiſtrates to report to Government every inſtance of any European, not a public officer, employing ſervants with badges.

caſe by the Magiſtrate who is directed to report all ſuch inſtances for the information and orders of the Governor in Council.

Applications to be made in writing by Magiſtrates requiring detachments ſtating the ſervice to be performed, & Military officers to determine the force requiſite for ſuch ſervice.

X. *First*,—Whenever the Magiſtrates may require detachments of Troops from the regular battalions, for the apprehenſion of public offenders, or for the maintenance of the peace in their reſpective diſtricts, they ſhall ſtate in writing as fully and circumſtantially as may be practicable, the nature of the ſervice required to be performed, to the Officer Commanding the diviſion, leaving it to him, on a conſideration of the circumſtances ſtated, to judge of the ſtrength of the force, which ſhould be employed in the execution of the duty in queſtion—In caſes however, of emergency, the Magiſtrates are at liberty to apply for aid to the Officer Commanding the nearest Military Poſt, informing the Officer Commanding the diviſion of ſuch application.

Civil Magiſtrates responſible for calling in the aid of the Military, in caſes of emergency, and Military officers not to exerciſe any diſcretion in granting or withholding ſuch aid: Report to be made to Government by the Magiſtrates.

*Second*.—The power veſted in the ſeveral Magiſtrates by the foregoing rule, being founded upon the nature and exigence of the caſe, which may frequently require promptitude and deciſion, and will ſeldom admit of a reference to Government, it ſhall be the duty of Officers Commanding divisions, corps or detachments, immediately to furniſh the neceſſary Military aid, whenever applications may be regularly and publicly made to them by the Magiſtrates for Troops, for the maintenance of the peace, or for the ſupport of the general police of the Country. By thoſe means the reſponſibility of calling in the aid of the Military, will reſt with the Civil Magiſtrates, and the allotment of the force will depend upon the Officers commanding Troops; who are not, however, on occaſions of this nature, to exerciſe any diſcretion in granting or withholding the required aid—But as it is, at the ſame time, eſſential to reſtrict the employment of Military force to caſes of abſolute neceſſity, the Magiſtrates are hereby enjoined to confine their requiſitions for Military force,

force, to caſes of that description, and to report to Government, whenever, they may apply for Military aid, under the rule contained in this ſection, at the ſame time, furniſhing the Governor in Council, with the neceſsary information reſpecting the circumſtances, upon which the application for ſuch aid may have been grounded.

Military officers to report their compliance with ſuch applications to the Commander in Chief.

*Third*,—The Officers Commanding Troops, by whom ſuch detachments may be furniſhed in purſuance of the applications of the Magiſtrates, ſhall immediately tranſmit the neceſsary reports thereof to the Commander in Chief.

Rules for ſupplying the permanent guards required by the ſeveral Civil Officers.

XI. *First*.—The permanent guards, required by the Magiſtrates, by the Collectors of the land Revenue and Cuſtoms, by the Commercial Residents, and by any other public Officers, authorized to require ſuch guards for the protection of the public Treaſuries, Stores, and other property, ſhall be in future furniſhed from the regular Battalions or Companies of Invalids, or provincial Battalions. The Civil Officers requiring guards, ſhall accordingly ſtate fully and circumſtantially, the nature of the ſervice neceſsary to be performed to the Officer commanding the diviſion. On the receipt of ſuch information, the Commanding Officer of the diviſion, ſhall iſsue immediate orders for furniſhing guards of ſuch ſtrength as he may deem neceſsary; provided that no public objection ſhall occur to a compliance with the application, and that he ſhall be ſatisfied, that the Civil Officer, from whom the application may have been received, was entitled to make it, by the general rules and uſages of the Service. But as the ſame neceſſity does not exiſt for veſting Magiſtrates and other public Officers, in caſes of this nature, with the extenſive power entruſted to the Magiſtrates by Section X. of the preſent Regulation, the Officer commanding the diviſion, ſhall be at liberty, in caſe he ſhall deem it neceſsary or proper on any public grounds, to ſuſpend compli-

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ance with the application, and to refer the caſe to the Commander in Chief who will forward the repreſentation to Government for its deciſion, or paſs ſuch orders on the ſubject as may appear to him to be proper. With the view likewiſe of preventing abuſe of the powers veſted in the Civil Officers, in applying for guards from the regular Battalions, the Magiſtrates and other Officers in the Judicial Department ſhall, on the receipt of the preſent Regulation, tranſmit to the Governor in Council a Statement of the permanent guards employed or required by them, for his consideration and orders. In like manner the Officers in the Revenue and Commercial Department ſhall transmit to the Governor in Council, a Statement of the permanent guard required by them in the diſcharge of the duties of their reſpective Offices.

Permanent guards not to be encreaſed without the previous ſanction of Government.

*Second.* When the permanent guards required by the different Officers in the Civil Department of the ſervice, ſhall have been fixed under the rule contained in the preceding Section, no augmentation ſhall be made in the number or ſtrength of ſuch guards, without the expreſs ſanction of the Governor in Council.

Rules for ſupplying Civil officers with temporary eſcorts.

XII. The temporary eſcorts which may in future be required by the Magiſtrates, by the Collectors of the land Revenue and Cuſtoms, by the Commercial Reſidents, and by any other public Officers authorized to require Military aid, for the remittance of Treaſure, of Stores, or of other public property, or for other purpoſes connected with their reſpective Official ſituations, are in future to be furniſhed from the regular Battalions, or Companies of Invalids, or any provincial Battalion. The Civil Officer requiring any ſuch eſcorts, is accordingly to ſtate fully and circumſtantially, the nature of the ſervice neceſſary to be performed, to the Officer commanding the diviſion in which the corps may be ſtationed, from which the required

eſcort

eſcort is to be furniſhed —On receipt of ſuch information, the Officer commanding the diviſion, ſhall furniſh an eſcort of ſuch ſtrength, as he may deem neceſsary, for the performance of the duty in queſtion; provided, that no ſubſtantial public objection ſhall occur to a compliance with the application, and that he ſhall be ſatisfied, that the Civil Officer, from whom the application may have been received, was entitled to make it by the general rules and uſages of the ſervice: But if not, the Officer commanding the diviſion ſhall be at liberty to ſuſpend compliance with the application, and refer the caſe to the Commander in Chief, who will forward the repreſentation to Government for its deciſion, or paſs ſuch orders on the ſubject as may appear to be proper.

Civil Officers in the judicial, Revenue, and Commercial Departments, to ſend monthly ſtatements of guards, detachments and eſcorts, employed by them to Government, and the Boards of revenue & trade reſpectively.

XIII. It ſhall be the duty of the Magiſtrates and other Officers in the judicial department, to tranſmit to Government, on the firſt of each month, a ſtatement of the guards, detachments, and eſcorts employed by them in the preceding month. The Collectors, Commercial Residents and other Officers in the Revenue and Commercial Departments, ſhall in like manner tranſmit to Government on the firſt of each month, a Statement of the guards, detachments and eſcorts employed by thoſe Officers reſpectively in the preceding month.

The foregoing rules not applicable to the Preſidency Station; applications for guards &c. in Bombay how to be made.

XIV. The foregoing rules are not to be conſidered applicable to the Preſidency Station. Whenever guards, detachments or eſcorts may be required by the Magiſtrates of Bombay or by any of the other Civil Officers, for the diſcharge of any public duty connected with their reſpective official ſituations, they are to make the neceſsary application for that purpoſe, agreeably to former uſage, to the Governor in Council, through the channel preſcribed for conducting the public correſpondence.

Meaſures to be adopted by the Magiſtrates and Collectors for promulgating this Regulation.

XV. On receiving tranſlations in the Country languages, of the preſent Regulation, the Magiſtrates of the ſeveral Zillas

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shall transmit copies to the local officers of Police, and the Collectors shall furnish copies to the principal landholders, farmers, tuhseeldars and managers of estates, within their respective jurisdiction, with directions to publish and exhibit the same in their cutcherries for general information.

Rules to be observed by the Judges & Magistrates for the purpose of promulgating this Regulation.

XVI. On receipt of translations of the Regulations in the Country languages, the Zilla Judges and Magistrates shall cause the same to be publicly read in their cutcherries; and shall require the native pleaders of their respective Courts to take copies of the translations of any Regulations which relate directly or indirectly to the administration of Civil Justice, and direct the Cauzees stationed in the several Towns and Purgunnahs within their respective jurisdictions, to read and publish the same for general information, at the cutcherries of the native Commissioners, empowered to act as munsiffs, and of the police darogahs, or tuhseeldars in charge of the police.

# A. D. 1814, REGULATION VIII.

A REGULATION *for removing the exiſting reſtrictions to the export of Salt Petre*,—PASSED *by the Governor in Council on the 7th of September* 1814, *Correſponding with the 8th of Bhaderpud Vud Sumbut, or Vekramajet Era* 1870; *Salbahan* 1736; *and* 22*d Ramzan* 1229, *Hijree*.

Preamble.

WHEREAS, it has been deemed expedient in conſequence of the proviſions contained in an Act of Parliament passed in the 53d year of the Reign of His preſent Majeſty, entitled an Act for continuing in the Eaſt India Company for a further term, the possession of the Britiſh Territories in India together with certain excluſive Privileges, for eſtabliſhing further Regulations for the Government of the ſaid Territories, and the better adminiſtration of Juſtice within the ſame, and for regulating the Trade to and from the places within the limits of the ſaid Company's Charter to remove the prohibition exiſting at this Preſidency to the export of Salt Petre: the following rule has been passed to be in force from the date of its promulgation.

The order of prohibition repealed, under a reſervation in regard to Foreign Ships.

II. The authority under which the Cuſtom Maſter has prohibited the Export of Salt Petre under this Preſidency ſhall be and is hereby repealed; Government however reſerves to itſelf the

the privilege of prohibiting the export of Salt Petre on Foreign Veſſels whenever it may think proper.

III. The authority granted to Britiſh Subjects to export Salt Petre to Europe, is not intended to veſt them with the privilege of exporting that Article to China, or to any other port or place out of the United Kingdom of Great Britain whether belonging to the Britiſh nation or to any other State.

Not to be exported however to China, nor to any port or place out of the United Kingdom.

IV. In order to prevent miſconſtruction of the effect of the preſent Regulation, the Officers in the Department of Cuſtoms are hereby required to obſerve, that the proviſions contained in Regulation X, 1813, by which the Trade of Foreigners is ſubject to double duties, are applicable to the Article of Salt Petre in common with other Commodities.

Exports and Imports on Foreign Bottoms to pay double duties.

For Regn. J. See Folio 859-

# A. D. 1814, REGULATION X.

A REGULATION *for Eſtabliſhing an Office for Keeping the Records in the Native Languages which relate to the Public Revenues*,—PASSED *by the Governor in Council on the* 21*ſt September* 1814, *Correſponding with the* 8*th of ſecond Bhaderpud Sood Sumbut, or Vekramajet Era* 1870; *Salbahan* 1736; *and* 6*th Shaval* 1229, *Hijree.*

Preamble.

I. IT being eſsential to the future ſecurity of the dues of Government, and of the rights and property of Individuals, that all papers and accounts regarding their aſseſsment, the allotment of the Revenue on ſhares of Eſtates that may be divided, as well as all other documents, in any reſpect relating to the public demands upon lands, ſhould be carefully preſerved; and the Right Hon'ble the Governor in Council deeming it reaſonable, that the individuals, whoſe rights and property may derive additional ſecurity from this inſtitution ſhould contribute towards defraying the expence attending it; the following rules have been accordingly enacted.

An Office for keeping Records in the country languages, to be eſtabliſhed in each Zillah.

II. An Office ſhall be eſtabliſhed in each Zillah for keeping all records and papers in the Native Languages which may in any

any way relate to the public Revenue.

Denomination and nature of the Office.

III. The Office ſhall be ſuperintended by two Natives, who ſhall form a part of the Eſtabliſhment to the Collector, and ſhall be ſtyled, keepers of the Revenue records in the Native Languages: they ſhall be appointed by the Right Hon'ble the Governor in Council, and ſhall not be removable but for miſconduct proved to his ſatisfaction—The Office however is declared not to be hereditary.

Rules for the guidance of the Record keepers preſcribed.

IV. The keepers of the records, are to keep a Regiſter in the Guzerattee Language and in the Mharatta Language, of all accounts, documents and papers in any reſpect relating to the public Revenue, in a Book or Books which ſhall be paged and each leaf of which ſhall be atteſted by the Judge of the Court of Adawlut of the Zillah; and who ſhall inſert in his own hand writing, on the laſt leaf of each Book, he may ſo atteſt, the number of pages contained in it. The accounts and papers now depoſited in the ſeveral Zillahs are to be firſt entered in the Regiſter, and the keepers of the records are to prepare a liſt of them for that purpoſe immediately upon the receipt of this Regulation.

Ditto ditto.

V. The Keepers of the Records are to be careful, that the Accounts and other Records are not deſtroyed by inſects, damp or otherwiſe: and that they are not removed from the office of the Collector without his expreſs orders.

Liable to diſmiſſion.

VI. If any papers entered in the Regiſter ſhall be deſtroyed in conſequence of the neglect, or any omiſſion of the Keeper of the Records, or if any ſuch Record or papers ſhall not be forthcoming, and they ſhall not be able to give a ſatisfactory account of them, they ſhall be liable to diſmiſſion from their offices.

The keepers to attend to ſuch rules as may be preſcribed to them.

VII. The Keepers of the Records are enjoined to attend to



all

all rules and orders reſpecting the duties of their office which may be preſcribed to them by any Regulation publiſhed by order of Government, and alſo to any directions reſpecting the better keeping, preſerving or regiſtering the Accounts and other Records of the Zillah, which may be iſſued to them by the Collector, under whoſe ſuperintendence they are to perform the duties of their office.

Fees to be levied by the Collector on the Regiſtry of certain papers.

VIII. *First.*—Fees at the following rates ſhall be levied by the Collectors of the Revenue, on the Regiſtry of any diviſion or union of an eſtate, or eſtates, or of lands held exempt from the payment of Revenue.

*Second.* On any diviſion of an eſtate or union of eſtates, paying Revenue to Government, that may take place under the preſcribed Regulations; at the rate of one Quarter or four Annas per Cent on the Annual Jumma, or Revenue payable to Government from the property included in the union or diviſion.

*Third.* On any diviſion of lands exempt from the payment of Revenue, or any union of ſuch lands, forming originally part of the ſame grant made by the proprietor or proprietors of the grant, at the rate of $2\frac{1}{2}$ per cent on the amount of the Annual produce of the property included in the union or diviſion.

Rates of Fees.

IX. *First.*—Fees, at the following rates, ſhall be levied by the Collectors on the Regiſtry of any transfer of the whole or the part of an eſtate or eſtates, or lands held exempt from the payment of Revenue, by deed of ſale, of gift or otherwiſe.

*Second.* If the eſtate ſhall be ſubject to the payment of Revenue to Government, one Quarter or four Annas per Cent, on the Annual Jumma or Revenue payable to Government, from the property transferred.

Definition of the term of annual Jumma.

X. Throughout this Regulation, by the Annual Jumma payable

able to Government, is to be underſtood, the amount of the Revenue payable to Government for the years in which the diviſion, union, or transfer, may be Regiſtered, according to the engagements of the farmers, if the lands be farmed; or the eſtimated receipts, if no ſettlement of the lands ſhall have been concluded on the part of Government, either with the proprietors or with farmers; and by the annual produce of lands held exempt from the payment of Revenue, is to be underſtood, the amount of the rents received and receivable by the proprietor, or the poſſeſſor of the lands, on account of the year preceeding the year in which the diviſion, union, or transfer may be Regiſtered; and the poſſeſſor of ſuch accounts ſhall be bound to produce them on a written requiſition from the Collector, and ſhall be ſubject for non compliance therewith, to the ſame proceſs as is authorized for the recovery of arrears of revenue, with the exception of the attachment and ſale of the property of the offenders.

Definition of the term annual produce of lands held exempt from the payment of Revenue.

XI. The amount of the Fees leviable under this Regulation ſhall be payable to the Collector on demand; and if not diſcharged, ſhall be leviable by the ſame proceſs as the payment of Arrears of Revenue due to Government, may be enforced.

The Fees to be paid to the Collector, and mode of recovery if not duly paid.

XII. No perſon ſhall be liable under this Regulation for the payment of a greater ſum than one hundred Rupees on account of any transfer of an eſtate or of lands held exempt from the payment of Revenue; and accordingly when the Fee on any ſuch transaction, would, calculating according to the rates above preſcribed, amount to a greater ſum than 100 Rupees, the exceſs above that ſum ſhall not be demanded or received.

The Fees not to exceed 100 Rupees.

XIII. The fees on the diviſion of any eſtate, or the union of eſtates paying Revenue to Government, leviable under ſection VIII, of this Regulation, ſhall be paid on the Regiſtry of the ſame by the parties, in proportion to their intereſt.

Fees on the diviſion or union of eſtates to be paid in proportion to the parties intereſt.

XIV. The fees on the transfer of landed property, by deed of ſale, or gift or otherwiſe leviable under ſection IX, ſhall be paid by the party, to whom the property may be transferred, on the transfer being entered in the public Regiſter of Lands.

The Fees on the Transfer of landed property to be paid by the Tranſferees.

XV. All ſums which may be received by the Collectors under this Regulation, are to be carried to the account of Government and the Collectors to grant receipts to the Parties.

Fees to be carried to the account of Government, and receipt to be granted to the parties.

Extract from the For Regn. 11th See Folio 8

REGULATIONS *in respect to Civil Servants obtaining leave of absence from their Stations, on account of their health or on their Private affairs,* PASSED *by the Right Hon'ble the Governor in Council on the* 10*th of August* 1814.

IT being necessary to define certain rules, under which Officers on the Civil Establiſhment ſhould obtain leave of absence from their Stations, the following Regulations founded on a just distinction between those Officers, who absent themselves from their Stations on account of Indisposition, and those who obtain leave on account of their Private Concerns, are accordingly establiſhed.

*First,*—That all Persons in the Political, Revenue, Commercial, Judicial and Public Departments, applying for leave of absence *on account of Indisposition* do accompany such applications with a Certificate, of the state of their health, from the Surgeon or Assistant Surgeon of the Station, who is to give the outlines of their caſes, either in the body of the Certificate or on a paper accompanying it, as may be deemed most convenient, agreeably to the form A; the party specifying the period during which he may require leave of absence.

*Secondly,*—That when any extenſion of leave of absence may be deemed necessary, ſuch Officers, (if they have proceeded to any station immediately dependent on this Presidency, or to any place on the coast of Malabar without coming to Bombay) do attend the Senior Surgeon, whether Civil or Military of such Station, and obtain from him a Certificate according to form B, to be renewed monthly: and if at Bombay,

from

from the Surgeon attending them, the propriety of which in the latter caſe muſt be confirmed by one of the Members of the Medical Board.

*Thirdly*,—That when any Civil Officers may find it necessary to proceed to sea, or to any place beyond the Coaſt of Malabar for the recovery of their health, they obtain Certificates on Oath of the necessity thereof according to Form C. from the Surgeons attending them, the propriety of which must be certified by one of the Members of the Medical Board, according to form D. and ſhould the absence of such Officers exceed the period for which they may have received the sanction of Government, they must in such caſe obtain and forward to Government a satisfactory testimonial from the Chief medical authority of the Presidency or Colony to which they may have proceeded, that their state of health renders such extension of their absence indispensably necessary.

*Fourthly*,—That ſuch Officers abſent on aſcertained Indiſpoſition, ſhall continue in the enjoyment of the pay and allowances of their reſpective offices, for the period during which they may have obtained leave of abſence; and eventually during a period of eighteen Months on their tranſmitting the preſcribed certificate as to the neceſſity of ſuch extended leave, provided they return to India, without proceeding Weſtward beyond Saint Helena, or Eaſtward beyond China, the Governor in Council reſerving to himſelf a decision in all caſes wherein Officers may continue abſent on ſick certificate, beyond the period of Eighteen Months.

*Fifthly*,—That in caſes wherein Civil Officers may exceed the time limited by the preceding Article for the receipt of their allowances, and that their farther continuance may be unavoidable from the want of an opportunity of returning to their Stations they are to obtain certificates from the Secretary

of

of the Colony or Island, wherein they may be ſo detained, to that effect.

*Sixthly*,—During the abſence of ſuch Officers it will reſt with Government to nominate proper Perſons to diſcharge temporarily the duties of their Offices and to grant ſuch allowances to the perſons ſo employed as may be deemed proper.

*Seventhly*,—That when Officers ſhall apply for and obtain leave of abſence from their ſtations on their *private Affairs*, a third part of the eſtabliſhed Salary and allowances of ſuch Officers ſhall be deducted and carried to the credit of Government, provided their abſence ſhall exceed the period of ſix weeks in each year, but not otherwiſe.

*Eightly*,—In all caſes wherein Civil Officers ſhall obtain leave of Abſence from the Presidency either on account of Indiſpoſition or of Private Affairs, and proceed *to Europe*, the ſalary and allowances of ſuch Officers are to ceaſe from the date of his their quitting the Presidency to which they belong as preſcribed by the Act 33 George 3d Section 37.

*Ninthly*,—Theſe Regulations are to have effect from the 1ſt instant, with an exception with regard to ſuch Officers as are now abſent from their ſtations under regular authority, and are to be conſidered as cancelling all former Regulations on the ſubject.

*Tenthly*,—All Officers who may obtain leave of abſence, from their ſtations ſhall forward a certificates to the Civil Auditor signed by the perſons to whom they may deliver over charge, ſpecifying the date on which the transfer may have been made; and to obſerve the ſame form on reſuming charge of the Department on their return to their ſtations.

Form of Certificate A. by the Surgeon or Aſſiſtant Surgeon,

geon, when a Civil Servant is obliged to quit his ſtation from bad health.

I. A. B. Surgeon at do hereby certify that C. D. Regiſter or at is in a bad ſtate of health from (Chronic, Liver, or as the caſe may be) and I do ſolemnly and ſincerely declare that according to the beſt of my judgment a change of Air is eſſentially neceſſary to his recovery, and I do therefore recommend that he may be permitted to proceed to , preparatory to any further courſe that may there be deemed neceſſary to the reſtoration of his health.

A. B.
Surgeon at

20th January, 1814.

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Form of Certificate B. to be renewed Monthly by the Senior Surgeon of a dependent Station or at the Preſidency by the Surgeon in immediate attendance on a ſick Civil Servant, and to be confirmed in the latter caſe by one of the Members of the Medical Board.

I A. B. Surgeon at do hereby certify that C. D. Regiſter or at arrived here on the in a bad ſtate of health (from Chronic Liver or as the caſe may be) and I ſolemnly and ſincerely declare that according to the beſt of my judgment he is ſtill in ſuch a ſtate as to render it improper that he ſhould yet return to reſume the duties of his office.

A. B.
Surgeon,

*January 20th*, 1814.

Confirmed by E. F.
Member of the Medical Board.

Form

Form of Certificate C. to be given by the Attending Surgeon before a Civil Servant can obtain leave to proceed to ſea.

I, A. Surgeon at do hereby certify *on Oath* that C. D. Regiſter or————at————is in a bad ſtate of health from Chronic, (Liver or as the caſe may be,) and that according to the beſt of my judgement a change of air is eſſentially neceſſary to his recovery and I do therefore recommend that he may be permitted to proceed to Sea ( or as the caſe may be ) by the firſt opportunity.

A. B.
Surgeon, at.

Sworn to before me E. F.
Juſtice of the Peace.

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Form D. of certificate D. to be given by a Member of the Medical Board previous to Civil Servant obtaining permiſsion to proceed to Sea.

I A. B. Member of the Medical Board do certify that I have examined into the ſtate of health of C. D. and according to the ſtatement made to me by the Surgeon who attend him, of the ſtate of his caſe, I recommend his being permitted to proceed to Sea (or to Europe as the caſe may be) by the firſt opportunity.

him during his absence at the Presidency [illegible]
recovery of his health; the orders restricting [illegible]
from drawing any part of his allowances [illegible]
return to his Station, applying only to such as [illegible]
the Cape of Good Hope, Chinese or to any other [illegible]
may be beyond the limits of the Government [illegible]
Presidency, to which he may belong, but [illegible]
long as he continues within those limits [illegible]

I have the honor
Sir,
Your most obed.
Servant
(signed) F. W[illegible]
Chief Sec[illegible]

[illegible]ay Castle
[illegible]gust 1815 }

(true Copy)

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Sd. No. 2189 of 1920. Public Department

John Wedderburn Esqr.
Acct. Genl. & Secl. Accds.

[illegible]in,

An erroneous construction having [illegible]
given to the seventh clause of the Regulation [illegible]
this Government under date the 10 Augt. 1814 [illegible]
to Civil Servants obtaining leave of abs[illegible]
their Stations, on account of their health, [illegible]
Private affairs, I am directed by the Hon[illegible]
Governor in Council to inform you, that [illegible]
in question applies only to persons obtain[illegible]
-porary leave of absence, from their [illegible]
visit the Presidency on their private aff[illegible]
vice versa, from the Presidency to subsid[illegible]

I have [illegible]
(signed) [illegible]

[illegible]ay Castle,
[illegible] 1820 }

# A. D. 1814, REGULATION XI.

A REGULATION, *veſting the Reſident at Sinder Droog or Malwan with Powers to hear and determine Civil Suits to a certain extent; and with Magiſterial Authority for the apprehenſion and Trial of perſons charged with Crimes or Miſdemeanors; and for extending the jurisdiction of the Court eſtabliſhed for Salſette, Caranja &c. to Sinder Droog or Malwan and its dependencies,*—PASSED *by the Right Honble the Governor in Council, on the 2d of November* 1814, *Correſponding with the 5th of Aſvin Vud, Sumbut, or Vekramajet Era* 1870; *Salbahan* 1736; *and 9th of Zilkaad* 1229, *Hijree.*

Preamble.

WHEREAS, by the 5th Article of the Agreement concluded between the Rajah of Colapore on the 1ſt of October 1812, His Highneſs has ceded to the Honorable Company in perpetual Sovereignty, the Harbour of Malwan, that is to ſay, the Fort and Iſland of Sindoodroog or Malwan and the Forts of Puddunghur, Rauje Cote and Sirjee Cote with the lands dependant on the ſaid Forts; and whereas, it is eſſential that proviſion be made for the Adminiſtration of Juſtice within the Territories

now

now dependant or which may hereafter be annexed to the Reſidency at Malwan; the following Rules have been accordingly enacted.

The Reſident at Malwan empowered to take Cognizance of all Suits and to the extent of five hundred Rupees.

II. The Reſident at Sinderdroog or Malwan is empowered to try and decide all cauſes of a Civil nature for money or other perſonal property where the amount or value of the thing conteſted ſhall not exceed the Sum of five Hundred Rupees, or for Malguzaree or Revenue Land, the Annual produce of which ſhall not be above five Hundred Rupees, or for Lokhirazee, or free Land, the produce of which may not be more than fifty Rupees per Annum, his deciſions being, in all caſes, appealable to the Judge for the diviſion of Salſette; regulating his proceedings according to the formalities preſcribed by Regulations III and IV. 1799.

His deciſions appealable to the Judge for the diviſion of Salſette.

III. The undermentioned proportions of the Fees collected, agreeably to Section III. Regulation VII. 1802, ſhall be paid to the Reſident, before whom the Suits may be determined, or before whom they may be depending, in the event of the parties adjuſting them by Razinamah.

On Sums not exceeding fifty Rupees, one Anna per Rupee.

On Sums above fifty, and not exceeding two hundred Rupees, one Anna per Rupee on fifty Rupees, and half an Anna per Rupee, on the remainder of the Sum.

On Sums above two hundred, and not exceeding five hundred; on two hundred Rupees as above, and two per Cent on the remainder.

IV. In the event of any cauſe of action ariſing at Sinder Droog or Malwan and its dependencies exceeding the Sums of Rupees mentioned in Section III. the Reſident ſhall report the ſame to the Judge at Tannah, who ſhall once every year, proceed to Sinderdroog or Malwan to clear the file, ſhould there

be

be any duty to diſcharge, but not otherwiſe, according to the exiſting Regulations of this Government.

V. The Reſident is alſo veſted with Magiſterial Powers; and authorized to exerciſe the ſame, conformably to the Proviſions contained in Regulation V. 1799; previouſly, however, to his entering upon the execution of the duties of a Magiſtrate, he ſhall take and ſubſcribe before the Governor in Council the Oath preſcribed in Section II. of that Regulation; Perſons committed or held to bail by the Reſident being remanded to Tannah, to take their Trial before the Court of Circuit.

Veſted alſo with Magiſterial Powers.

But not to exerciſe the ſame without taking the preſcribed Oath.

VI. The Civil and Revenue Juriſdiction which the Judge and Magiſtrate is inveſted with over the Islands of Salſette, Caranjah and their dependencies, as mentioned in Section II, Regulation III, 1799; ſhall extend to Sinderdroog or Malwan-

Juriſdiction of the Judge and Magiſtrate of Salſette &c. to Extend to Sinderdroog.

# A. D. 1814, REGULATION IX.

A REGULATION *to define the punishment to which persons Convicted of two or more offences, shall in certain cases be subject*,—PASSED *by the Governor in Council on the 7th September* 1814, *Corresponding with the 8th of Bhaderpud Vud Sumbut, or Vekramajet Era* 1870; *Salbahan* 1736; *and 22d Ramzan* 1229, *Hijree.*

Preamble.

WHEREAS, it is requisite to define the punishment to be adjudged on conviction of Certain Crimes, in cases in which the same Prisoner may be convicted, on separate Charges and Commitments, of two or more offences, the penalties of which, in the aggregate, may include a period of imprisonment exceeding the term of fourteen years, the following rules have been enacted, to be in force from the promulgation of them throughout the territories immediately dependent on the Presidency of Bombay.

Discretion vested in the Courts of Circuit, to reduce the prescribed penalties in cases of conviction of two or

II. *First.*—Whenever a Prisoner may be brought to trial before a Court of Circuit, for two or more distinct offences, included in separate commitments, and may be convicted, at the same Session, of two or more offences, the prescribed penalties

of

more diſtinct offences, when the aggregate puniſhment may exceed 39 Stripes with a corah, and impriſonment for 14 years; and the Priſoner may not be liable, on any one of the charges eſtabliſhed againſt him, to a ſentence of death or impriſonment for life:

of which, under the regulations in force, may exceed in the aggregate, thirty nine Stripes with a Corah, and impriſonment for fourteen years, but may not, for the Crime eſtabliſhed againſt the Priſoner on any one Commitment, amount to death, or impriſonment for life, (in which caſe the trial would be referrible to the Superior Tribunal); the Judge of Circuit is authorized to reduce the preſcribed puniſhments for the whole of the offences of which the Priſoner may be ſo convicted, at the ſame Seſsion, ſo as not to exceed, in the aggregate, thirty nine Stripes with a Corah, and impriſonment, in baniſhment from the diſtrict, for a term of fourteen years, provided, he ſhall be of opinion, on conſideration of the ſeveral Acts of Criminalty eſtabliſhed againſt the Priſoner, and the circumſtances of each caſe, that the puniſhment above ſpecified is ſufficient. If the Judge of Circuit however ſhould be of opinion, that the Priſoner, is deſerving of impriſonment for a longer period than fourteen years, he ſhall paſs Sentence, in the ſeveral caſes, for the puniſhment preſcribed by the regulations; (except that the number of Stripes to be adjudged againſt a Priſoner, at any one Seſſion of a Court of Circuit, ſhall not exceed thirty nine), and ſhall tranſmit the proceedings on each caſe, with a report of the circumſtances, and his ſentiments on the puniſhment which ſhould be inflicted upon the Priſoner, for the final Sentence or order of the Superior Tribunal.

Proviſion if the priſoner appear to be deſerving of impriſonment for a longer term than 14 years. The Judge of Circuit to paſs Sentence in ſuch caſe for the puniſhment preſcribed by the regulations, Stripes excepted, which ſhall never exceed 39 at any one Seſſions; and to tranſmit the proceedings on each trial for the final Sentence of the ſuperior Tribunal.

*Second.*—The principle of the above Clauſe ſhall be alſo conſidered applicable to caſes, in which Priſoners Convicted and Sentenced at a preceeding Seſſion of a Court of Circuit, may be Convicted, at a ſubſequent Seſſion, of another offence committed before their firſt Conviction and Sentence. But it is not meant to apply to any new offence committed by a Perſon, after his Conviction of a former offence, whether the period of confinement to which he may have been ſentenced

The principle of the preceding clauſe, applicable to caſes wherein the priſoner convicted and puniſhed at a former Seſſion, may be brought to trial and convicted at a ſubſequent Seſſion of another offence committed anterior to the firſt Sentence; but not

for his former offence ſhall have expired at the time of his committing the ſubſequent offence or otherwiſe.

to any new offence committed by the priſoner ſubſequent to his conviction of a former offence.

*Third.* When a Priſoner, committed or held to bail, for trial before a Court of Circuit, on two or more diſtinct charges may be liable, on one or more Convictions to a Sentence of impriſonment for fourteen years; and the further charge or charges againſt the Priſoner may not be ſuch as would, on conviction, ſubject him to a Sentence of death or impriſonment for life, it ſhall not be requiſite for the Judge of Circuit to try ſuch additional charge or charges; unleſs there ſhall appear to be ſpecial and ſufficient cauſe for trying the ſame: Provided, that whenever a Judge of Circuit may exerciſe the diſcretion thus veſted in him, he ſhall report the ſame with his reaſons to the Superior Tribunal in the Statement tranſmittible to that Court, of Sentences paſſed by the Court of Circuit, or if the trial held upon the Priſoner be on any account referrible to the Superior Tribunal, in the letter accompanying ſuch trial; and it ſhall be competent to the Superior Tribunal to order a further trial of the remaining charge or charges againſt the Priſoner, in all caſes wherein that Court may judge it proper ſo to direct.

If a priſoner be liable on one or more convictions before a Court of Circuit to a ſentence of 14 years impriſonment, the Judge may diſpenſe with the trial of any other charges againſt the ſame priſoner, provided a conviction of ſuch additional charges would not ſubject the priſoner to a ſentence of death or perpetual impriſonment.

The Judge of Circuit to report all inſtances wherein he may exerciſe this diſcretion to the Superior Tribunal.

Who are competent to direct that the priſoner ſhall be brought to trial on the remaining charge or charges.

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on 27 November, 2018